

NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
STATE BOARD OF ELECTIONS
& ETHICS ENFORCEMENT

IN RE: INVESTIGATION OF ELECTION |
IRREGULARITIES AFFECTING COUNTIES |
WITHIN THE NINTH CONGRESSIONAL |
DISTRICT

EVIDENTIARY HEARING

Location: North Carolina State Bar
217 East Edenton Street
Raleigh, North Carolina

THURSDAY, FEBRUARY 21, 2019
9:00 a.m.

VOLUME IV OF IV
(Pages 800 through 998)

Board members in attendance:

Mr. Robert B. Cordle, Chairman
Mr. T. Jeff Carmon, III
Mr. Ken Raymond
Dr. Stella E. Anderson
Mr. David C. Black

Board's staff present:

Ms. Kim Westbrook Strach, Executive Director
Mr. Joshua Lawson, General Counsel
Ms. Katelyn Love, Deputy General Counsel
Ms. Joan Fleming, Chief Investigator

Also present:

Mr. Mark Elias	Mr. William Gilkeson
Mr. Jon Berkon	Ms. Sarah Fairess
Mr. David Freedman	Mr. Timothy Haga
Mr. Alex Dale	Mr. Jeff Scott
Mr. John Branch	Mr. Dallas Woodhouse

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PROCEEDINGS

9:07 a.m.

CHAIRMAN CORDLE: I'd like to reconvene the
evidentiary hearing of the State Board of Elections today.
This morning I'm sorry we're starting a little late. We've
had some legal matters and documentary matters we had to
look into this morning.

Mr. Lawson, do you have something on that?

MR. LAWSON: Yes, sir.

So late last night just before 9:00, the State
Board received a supplemental production from the Committee.
This is the Mark Harris for Congress Committee which was
subpoenaed in December 1st and then re-subpoenaed with the
exact same scope and parameters under your signature, Mr.
Chair, once we had a new board impaneled just as a clean-
up.

Back and forth throughout a series of weeks we had
pushed back against the legal theory that the outer bound
on time for production was in July of 2017 because that's
when organizational filings with the FEC, quote, unquote,
created the Committee, under one theory.

We pushed back citing certain CFRs and campaign
finance advisories indicating that once exploratory
committee activity had occurred, if it resulted in the
formation of a committee, there would be records that pre-
dated the creation of that committee that may be responsive.

1 Secondarily, the compulsory requirements of the
2 subpoena attached to whether a committee was in possession
3 of certain records, not whether it legally authored or was
4 some type of custodian of those records, but whether they
5 possessed them.

6 And so we had expected production to be complete
7 and we had received assurances that production was in fact
8 complete. Last night in an e-mail we understand the
9 committee to have now supplemented again, indicating that
10 their prior representation that production was complete were
11 based on a mistaken understanding that our letters pushing
12 back against their legal theories somehow constituted a
13 amendment of our original subpoena.

14 And so I think it's relevant to the Board to be
15 able to consider all of the back and forth which you have
16 not all had because these have been back and forth just
17 between lawyers, and I want to make sure that it's part of
18 your record in this case.

19 CHAIRMAN CORDLE: Do you have copies of that?

20 MR. LAWSON: We do in the event that you're
21 willing to admit it into the record here.

22 CHAIRMAN CORDLE: I would like to see it please.

23 (Document handed up to the Chairman.)

24 CHAIRMAN CORDLE: Have you given a copy to
25 counsel?

1 MR. FREEDMAN: I received an e-mail from Mr.
2 Lawson a little while ago, so I do have a copy.

3 MR. LAWSON: About 15 minutes ago I sent
4 him a pdf. It was a response to their--

5 CHAIRMAN CORDLE: Can you tell us what this
6 document--I'm going to mark the document as--

7 COURT REPORTER: 56.

8 CHAIRMAN CORDLE: --Exhibit 56.

9 (Whereupon, Exhibit No. 56
10 was marked for identification.)

11 CHAIRMAN CORDLE: Could you tell us what is in
12 here, please.

13 MR. LAWSON: Yes, sir. So this cover
14 letter is a response to the e-mail of last night. It was
15 sent, like I said, you know, sent 20 minutes ago, something
16 of that nature, indicating kind of throwing out the legal
17 theory and basis for the demand for documents, the
18 understanding that possession was likely had of the
19 documents presented yesterday, but that it was not in fact
20 produced, and then indicating that the committee on--I'll
21 just read it from the second page, second paragraph:

22 "The Committee on February 8 specifically stated
23 that the, quote, "Text messages with various," internal
24 quote, "'McCrae,'" end quote, "all prior to July 3, 2017,
25 was included in the search. And yet we were only provided

1 the following last night."

2 And a text message exchange between Mr. Harris--
3 Dr. Harris and Judge Marion Warren was produced along with
4 other documents that would have been caught in prior
5 searches.

6 And so we were concerned at the timing of that
7 production and that it would not have been before you along
8 with other documents that would not have been before you
9 including the testimony of John Harris yesterday, the
10 documents submitted during that testimony.

11 None of them were produced by the Committee at
12 all, but 15 minutes prior to his testimony, the personal
13 lawyers for Dr. Harris attempted to hand them to us, waiving
14 any privilege or anything else that could have associated
15 or attached to it expressly, which we understood that to be
16 the case anyway. However, also indicating that it was
17 proffered as a candor to the tribunal.

18 And this was after we believe they had indications
19 that John Harris was going to take the stand in moments from
20 that.

21 CHAIRMAN CORDLE: And do you believe the e-mail
22 from Mr. Harris to Judge Warren of March 8--it's either an
23 e-mail or a text message--is pertinent to this
24 investigation?

25 MR. LAWSON: I do, Chairman. It's a text

1 message and it is the solicitation for a meeting to be set
2 up by Mr. Warren with Mr. Dowless and expresses some of the
3 basis for why Dr. Harris would have sought out Mr. Dowless,
4 in his own words.

5 And I am unaware of any reason, which maybe they
6 can illuminate, why this would not have been part of the
7 prior productions of which there had been supplements
8 previously.

9 CHAIRMAN CORDLE: Mr. Branch, you represent the
10 Committee?

11 MR. BRANCH: Yes, sir, I do represent the
12 Committee, and I want to provide a little bit of context for
13 this. Obviously the subpoena that was served in this matter
14 was served on the Committee and not on Dr. Harris
15 personally. It may have been a intentional decision by
16 folks that the Board's not perhaps implicate any immunity
17 concerns.

18 Be that as it may, the Committee only came into
19 existence in July of 2017. We made our initial production
20 of documents from July of 2017 forward to the date of the
21 subpoena, December 1, 2018.

22 There was some back and forth among my office and
23 State Board counsel regarding supplementing the production.
24 I do believe the one piece of correspondence that's not in
25 the packet that Mr. Lawson sent out is an e-mail that we

1 received on January 25th discussing the scope of the
2 supplement saying, "John, I spoke with your co-counsel
3 earlier this week, and after conferring more fully with
4 investigative staff, our principle interest at this point
5 is to be--is to confirm whether any record exists
6 referencing, discussing, or establishing terms or offers of
7 terms of services by Red Dome and Mr. Dowless."

8 So we made our initial production of documents
9 July 4, 2017, date of the inception of the Committee,
10 through December 1, 2018, the date of the subpoena. We
11 supplemented with documents referencing, discussing, or
12 establishing terms or offers of terms of services by Red
13 Dome for Mr. Dowless.

14 I received an e-mail on Sunday afternoon, the day
15 before the hearing started asking for us to confirm that
16 we had produced all documents related, I believe, to
17 absentee ballot, absentee ballot operations of Mr. Dowless.

18 I made a mistake there, Judge--or Court--

19 CHAIRMAN CORDLE: I'm not a judge. Thank
20 goodness.

21 MR. BRANCH: Well, I saw the term
22 "confirm," talked to my office about whether the
23 supplementation that we provided to the Board was complete
24 in light of what we had represented to them, and we
25 determined that we thought it was, and I communicated that.

1 And in everything that has gone on over the last
2 couple of days, I took another look at that yesterday
3 morning and determined that the request that we received on
4 Sunday was greater in scope than documents referencing,
5 discussing, or establishing terms or offers of terms for
6 services by Red Dome and Mr. Dowless.

7 And that's what's prompted this issue.

8 CHAIRMAN CORDLE: Well, you are aware under the
9 federal law when the committee comes into existence, it is
10 carried back, certainly for the financial purposes, back to
11 when any money was expended or anything was done in the
12 campaign. Correct, sir? In general. I'm not trying to
13 quote the law.

14 MR. BRANCH: Yeah, yeah, I understand.

15 CHAIRMAN CORDLE: I believe you had a question,
16 Mr. Carmon.

17 MR. CARMON: Yes.

18 CHAIRMAN CORDLE: Okay.

19 MR. CARMON: You're the attorney that young
20 Mr. John Harris was speaking about yesterday--

21 MR. BRANCH: Yes, sir.

22 MR. CARMON: --that he repeatedly tried to
23 contact and was waiting to hear back as it related to the
24 e-mails that were introduced yesterday?

25 MR. BRANCH: Yes, sir.

1 MR. CARMON: And at that time what we
2 called--when he was called as a witness, is that when you
3 recognized that you hadn't turned over those documents?

4 MR. BRANCH: No. We had turned--we turned
5 over the documents prior to him taking the stand.

6 MR. CARMON: I'm sorry. Let me ask that
7 differently. Why was it not turned over prior to his being
8 announced as the next witness?

9 MR. BRANCH: It was shortly before. I
10 think the question--

11 MR. CARMON: Okay. I guess the better
12 question. Why wasn't it received before yesterday?

13 MR. BRANCH: It was not within the scope
14 of the production as we interpreted the request for
15 production of documents.

16 MR. CARMON: So you were not aware that Dr.
17 Harris's personal attorney had told them--told Mr. Harris
18 that he could speak freely with our investigators?

19 CHAIRMAN CORDLE: And that the documents would
20 be produced.

21 MR. BRANCH: I'm not sure that--I question
22 whether Mr. John Harris accurately related the substance of
23 that conversation.

24 CHAIRMAN CORDLE: Wait just a minute. I believe
25 Mr. Freedman also confirmed the substance of that

1 conversation yesterday--

2 MR. BRANCH: And I believe--

3 CHAIRMAN CORDLE: --in his questions and to us.

4 MR. BRANCH: And I believe that the--what

5 Mr. Freedman confirmed is that we confirmed to John
6 Harris--or that he confirmed to John Harris that we would
7 not be asserting the privilege with regard to those
8 documents. And Mr. Harris asserted on the stand that we
9 told--that Dave told him that we would affirmatively be
10 producing those documents.

11 CHAIRMAN CORDLE: I think David said yesterday
12 that he did that; that is, he did tell John that, in
13 substance.

14 MR. FREEDMAN: I did tell him that. I don't
15 remember just the whole--he had called--this is on the
16 record. He had called a number of times. He was concerned
17 for himself.

18 Dr. Harris couldn't talk to him, so I talked to
19 him, and I said, "You've got nothing to worry about. I see
20 no concerns for these e-mails. There e-mails just confirm
21 that Dr. Harris knew that he could not let Mr. Dowless--just
22 confirmed he did not let Mr. Dowless bundle the ballots, and
23 I said, "I think that's good."

24 Another attorney had told--my understanding,
25 another attorney had told him that that was--even though it

1 says "No legal advice," that this could still be considered
2 attorney/client privilege and we could assert the privilege.

3 I did not think that was accurate. I thought that
4 was--

5 CHAIRMAN CORDLE: And I think you told John
6 Harris that.

7 MR. FREEDMAN: I told John Harris that, and
8 I--we've never--and I told him--he was concerned for his
9 work. I said, "You can talk to your work; you can talk to
10 anybody," because I had no concerns about that document and
11 had no concerns about the conversation I had with him.

12 CHAIRMAN CORDLE: And I believe you told him
13 that you were planning--you or--that you were planning to
14 release it that night.

15 MR. FREEDMAN: I've never produced a document
16 because we're not--Dr. Harris got a subpoena. We've not--
17 we have talked to Mr. Branch, but we're not in a position
18 to produce documents.

19 CHAIRMAN CORDLE: Right. As I understand, you
20 and Mr. Dale represent Mr. Harris individually, Dr. Harris.

21 MR. FREEDMAN: That's correct. And we've
22 never been under any--

23 CHAIRMAN CORDLE: Mr. Branch and his firm
24 represent the Committee.

25 MR. FREEDMAN: That's correct, and we've also

1 brought in Dr. Harris and we've let the Board know at any
2 time they're free to re-examine Dr. Harris. We've had, I
3 think, good free exchange of information.

4 So I've never had a concern about that document.
5 That's why I told him he could talk. That's why--if I was
6 concerned about that document, I would have told him it was
7 attorney/client privilege.

8 CHAIRMAN CORDLE: I don't think you would have
9 told him that.

10 MR. FREEDMAN: Well, I would not have told
11 him that because I did not believe that to be the case. I
12 try to be very candid with whatever tribunal I'm before,
13 and I'm candid with individuals I talk to as well.

14 CHAIRMAN CORDLE: Thank you.

15 MR. CARMON: So can you answer my question.
16 Why did you--your firm not turn over that document when it
17 was requested?

18 MR. BRANCH: We believed that it was not
19 within the scope of the production as we identified in our
20 correspondence and e-mails with State Board counsel. We
21 were up front with that.

22 MR. FREEDMAN: I do not believe I relayed the
23 gist of the conversation with Mr. Branch, in Mr. Branch's
24 defense. I talked to him, and I didn't--at that point I
25 didn't really think about it again. So it's not like I

1 called Mr. Branch, sat down and talked to him. He does not
2 know about the gist of my conversation.

3 CHAIRMAN CORDLE: Mr. Lawson, did you feel like
4 this document--that these documents were within the scope
5 of the subpoena issued?

6 MR. LAWSON: I do. It was material in
7 terms that were specifically identified in the subpoena.
8 It was within the time period of the subpoena so withholding
9 it would have to be based on some type of privilege or
10 because it was legally outside the scope.

11 As you know, we were not subpoenaing any
12 individual in their personal capacity for production of
13 documents for a concern that we were going to inadvertently
14 grant immunity under 1391 which was not a mandate that the
15 Board had given us in issuing those subpoenas. So we were
16 very careful about that.

17 However, when you have personal counsel and you
18 have committee counsel, and there is not an institute that
19 is incorporated in any type of way, it leaves a lot of room
20 for things to occur that have unfortunately come to light
21 now.

22 We have been aware of those documents that were
23 never produced for quite some time, and it was only after
24 there were indications yesterday that John Harris, who was
25 going to take the stand, 15 minutes before that, that both

1 the committee initially tried to proffer those.

2 And I refused to accept them stating that "I need
3 to know on what basis you are proffering them. If you are
4 changing your legal theory about--under which you withheld
5 them or are you still submitting it subject to your
6 objections that you had previously submitted."

7 And so they took it back, and then the personal
8 lawyers came out and handed it to me as a voluntary proffer.
9 And so there are concerns there.

10 CHAIRMAN CORDLE: And you're talking about the
11 John Harris documents.

12 MR. LAWSON: That's right.

13 CHAIRMAN CORDLE: All right. Mr. Branch, are
14 there other documents that we might consider to be relevant
15 to this case that have not been produced, documents dealing
16 with any of the people that have been discussed in this case
17 including Mr. Dowless, the sheriff, any members of the Board
18 of Elections, and any members of the staff of the Board of
19 Elections, any members of the county commission?

20 MR. BRANCH: Unfortunately, Mr. Chairman,
21 I'm not sure the categories of documents that you've
22 described are reflected in the subpoena itself.

23 What we did is take the subpoena that was issued
24 to the Committee, had a meet and confer with the Committee
25 regarding the scope of the subpoena, received query terms

1 from the Committee, and ran those query terms using
2 basically a third party discovery vendor to identify
3 potentially responsive documents and then went through all
4 of the potentially responsive documents given the
5 constraints we had been up front with the State Board about
6 believing were on the production that we could make.

7 We supplemented last night--so what happened also
8 is went back, took a look at Ms. Wakeman's (phonetic
9 spelling) e-mail from Sunday, said, okay, this broadens the
10 scope of what we say we've got to supplement with.

11 We ran queries which I've described in an e-mail
12 to Mr. Lawson last night, and came up with maybe five
13 additional e-mails and two text strings that were arguably
14 responsive, and e-mailed those over as soon as I would able
15 to put them together after the hearing.

16 CHAIRMAN CORDLE: Well, I heard something about
17 800 pages of documents.

18 MR. LAWSON: It's a rule. That's what
19 those documents were, but the vast majority of them were
20 spreadsheets and not substantive exchanges and
21 communications.

22 CHAIRMAN CORDLE: Do you have any idea how many
23 documents the Committee had?

24 MR. BRANCH: Over 150,000, I believe. It's
25 the--putting together this production was--in a month was

1 a monumental undertaking. And as I've tried to be very
2 candid to the Board, I was mistaken in the representation
3 I made in the e-mail to Board counsel on Sunday. I'm here
4 to own that.

5 That being said, we've turned over thousands and
6 thousands and thousands of documents, and we've literally
7 gone through a review process of almost 150,000 documents
8 in a month. I do a fair amount of complex commercial
9 litigation. This is a process that usually takes a number
10 of months to get through.

11 And so we worked cooperatively with the State
12 Board's staff. They provided us with queries, all of which
13 we ran. You know, if the Board is particularly concerned
14 about this, we've detailed about exactly how that process
15 went with our third party discovery vendor, how we
16 identified documents and then how we produced them.

17 I understand your concern over the timing issue.
18 At the same point in time we produced them that we said we
19 would produce.

20 CHAIRMAN CORDLE: So to your knowledge, there
21 are no more correspondence of any kind between the Harris
22 campaign and Mr. Dowless?

23 MR. BRANCH: We turned all that over.

24 CHAIRMAN CORDLE: That's what I'm asking. As
25 far as you know, there's no more.

1 MR. BRANCH: Absolutely.

2 CHAIRMAN CORDLE: All right. And between the
3 campaign and Mr. Yates?

4 MR. BRANCH: Absolutely. We've turned over
5 everything responsive to--with regard to Mr. Dowless, Mr.
6 Yates, Red Dome.

7 CHAIRMAN CORDLE: Mr. Lawson, do you have any
8 more concerns or comments on this?

9 MR. LAWSON: Only a request. Any exclusion
10 of that e-mail that you referenced at the beginning was
11 inadvertent, so I would ask if you're willing, Chair, to
12 supplement the Exhibit 56 with the e-mail that Mr. Branch
13 raised. I tried to throw it all together early this
14 morning.

15 CHAIRMAN CORDLE: I think that should be in our
16 record.

17 MR. BRANCH: Yeah, absolutely.

18 CHAIRMAN CORDLE: If you've got a copy of that,
19 could we have it attached to Exhibit 56?

20 MR. LAWSON: Yes, sir.

21 MR. ELIAS: Mr. Chairman. May I be heard?

22 CHAIRMAN CORDLE: Yes, sir.

23 MR. ELIAS: First of all, let me say I
24 have worked--I can't say closely over time, but
25 collaboratively with Mr. Freedman and Mr. Dale, and they

1 have been nothing but honest and transparent, in my view,
2 and I express no concerns about their conduct.

3 That said, it has been documented now time and
4 time again that the Committee has failed to meet its
5 discovery obligations to this tribunal. This is not the
6 first text message today. We have the e-mails that
7 miraculously appeared yesterday.

8 We, of course, saw the earlier letter,
9 correspondence about the Committee's slow production or
10 failure to produce in December. So I would make the
11 following requests.

12 The first is I'd ask the Board to make a formal
13 adverse inference regarding the manner by which the
14 Committee has handled these documents as evidence of
15 consciousness of guilt or consciousness of wrongdoing. I
16 think that that is the minimum step that should be taken if
17 no further steps are taken.

18 The second request is that absent that, I am going
19 to formally request that Mr. Yates and Mr. Harris be re-
20 called since counsel has now impeached in an unsworn fashion
21 testimony that we heard from Mr. Harris yesterday regarding
22 his treatment of the e-mails.

23 Counsel is now saying that is untrue, what he
24 heard the witness testify, and that coming from a member of
25 the Bar about a current sitting--current Department of

1 Justice employee is troubling. It's also troubling in that
2 I think much credit was being given to Mr. Harris for his
3 candor, and if he was not candid yesterday, then that's
4 something I think that this Board needs to take into
5 account.

6 CHAIRMAN CORDLE: Well, I'm not sure Mr. Branch
7 meant to say that Mr. Harris was not testifying truthfully,
8 and I think he'd admit right now that he believes he was.
9 Certainly Mr. Freedman thought he was.

10 MR. FREEDMAN: I said he was yesterday, and
11 I did not--I don't know that I've relayed the conversation
12 I had with Mr. Harris to anyone because I didn't really
13 think about it afterwards.

14 CHAIRMAN CORDLE: I don't think we need--

15 MR. ELIAS: No, no. I--

16 CHAIRMAN CORDLE: I just want to make sure--

17 MR. FREEDMAN: I did not relate that.

18 Whatever statements Mr. Branch had to say about his
19 statements to me, Mr. Branch was not a party to.

20 CHAIRMAN CORDLE: Right.

21 MR. ELIAS: Mr. Chairman, Number--I think
22 that regardless of that, we have a right to test this. You
23 know, yesterday we heard that Andy Yates employed every
24 member of the campaign. So for all I know, the gamesmanship
25 that's going on right now when they say they searched all

1 the campaign records, doesn't include any employee because
2 all the employees were employees of Red Dome.

3 Now, that kind of gamesmanship I would not have
4 expected, but I'm hearing a lot of parsing about what
5 records were searched and what records weren't searched.
6 Does he consider, for example, Mr. Williams's text messages
7 to be within the scope of his search? Mr. Williams was the
8 campaign manager but, we know, an independent contractor
9 hired by Red Dome.

10 Does he consider the finance director and her or
11 his text messages--did he ask them to check their personal
12 e-mails? Did he ask them to check their text messages, or
13 is his claim now, "No, no, no, not us; that was Red Dome
14 Group," because I feel like, frankly, there is a game of
15 Three Card Monty going on here with each one saying, "Not
16 us, not us, not us."

17 And all I know is we are in the third (sic) day
18 of a one-day hearing and records are still being produced
19 that are explosively important to the facts of the matter
20 here. I mean the public statements that you're going to
21 hear played aloud to this Board where Dr. Harris was telling
22 the media a week ago versus what's in these texts and what's
23 in the testimony is just breathtakingly different.

24 And I can't help but overlay that with the lack
25 of candid production by counsel to the campaign. It just

1 looks pretty clear what happened is Dr. Harris was denying
2 it to the press, the campaign wasn't producing the records
3 that would impeach him, and as we went along, that changed.

4 And, Mr. Chairman, I'm entitled--and maybe Mr.
5 Branch needs to be put under oath, but I'm entitled to
6 examine the treatment of these records and whether or not
7 they do in fact match up with the falsehoods that Dr. Harris
8 was telling the media.

9 CHAIRMAN CORDLE: Well, we're not going to do
10 that today, and we don't need to put Mr. Branch under oath.

11 MR. ELIAS: But I'd ask for adverse
12 inference. I'd ask for a vote by the Board on adverse
13 inference.

14 CHAIRMAN CORDLE: Well, we will consider that
15 as we go forward here. I would ask Mr. Branch if the Red
16 Dome documents were included in that search or if they were
17 supposed to be on the Red Dome search.

18 MR. BRANCH: Our understanding is that a
19 separate subpoena was sent to Red Dome, and just so the
20 Board's clear--you can see this from the correspondence that
21 we sent--we fully described the production process that we
22 engaged in.

23 We described the computers that we imaged, the
24 cell phones that we imaged, the steps taken to find
25 documents, the queries that were run, the third party

1 discovery group that we used. That has been completely up
2 front.

3 CHAIRMAN CORDLE: Did we get any e-mails from
4 Red Dome, documents produced? I know we got checks.

5 MR. LAWSON: We got many documents from Red
6 Dome Group. They were very forthcoming with documents as
7 well. I think the issue here is that there was awareness
8 of these e-mails notwithstanding any querying that was going
9 on that may have--or excluded or included other documents
10 that would be supplemented later, but there are
11 conversations in testimony yesterday indicating that this
12 was known back in December of the specific identity of these
13 documents.

14 CHAIRMAN CORDLE: All right.

15 MR. ELIAS: May I ask a question for you
16 to perhaps point this more pointedly?

17 CHAIRMAN CORDLE: Because we're about finished
18 with this because we need to get on with things.

19 MR. ELIAS: Because I haven't read all the
20 correspondence, so I don't know what the limitations were,
21 but did the campaign obtain the e-mails, personal campaign
22 texts, whatever, messages, from Mr. Williams, the campaign
23 manager, who was an employee of Red Dome Group, but carried
24 the title campaign manager? And did he do the same for the
25 political director and did he do the same for the finance

1 director?

2 CHAIRMAN CORDLE: Josh, did Red Dome produce
3 those?

4 MR. ELIAS: No, no, no. I'm not asking
5 if Red Dome did. I'm asking if the campaign did.

6 CHAIRMAN CORDLE: I understand, but let's see
7 first if Red Dome Group.

8 MR. LAWSON: We certainly had some text
9 messages that included Mr. Williams, whether he was the
10 source of those and therefore we know what was--his scope
11 of conversations is different. I would have to--I mean
12 there were thousands and thousands of documents.

13 I'm not sure if it was just communications between
14 him and other members, say, of the Committee or people who
15 were employed by Red Dome and if they were captured in which
16 direction; I'm not sure.

17 CHAIRMAN CORDLE: Mr. Branch, do you know if Mr.
18 Williams' texts and e-mails were produced, documents?

19 MR. BRANCH: To the extent that Mr.
20 Williams sent them to the--

21 CHAIRMAN CORDLE: To the Committee?

22 MR. BRANCH: Essentially what we did is we
23 went and imaged everything that Dr. Harris and Ms. Harris
24 had. Everybody else worked through Red Dome. Our
25 understanding at that time was that Red Dome also had a

1 subpoena that had come out (ambient noise obscured a word)
2 Mr. Jones about the subpoena. We understood the scope of
3 the subpoena to be broad, and that each side had already
4 complied with the--notwithstanding some of the concerns
5 about the broadness of the subpoena but substantively
6 complied with the subpoena.

7 And so I don't think there's been any attempt ever
8 to try and parse out, you know, Mr. Williams, for example:
9 "Well, he's not an employee of the Committee and so--but
10 he's an employee of Red Dome, and we're not going to produce
11 his documents." I've never had that conversation with
12 counsel for Red Dome in any sort--

13 CHAIRMAN CORDLE: Well, have you produced
14 documents from Mr. Williams to the campaign committee or to
15 the Harrises?

16 MR. BRANCH: To the extent that the--so I
17 think the question you're asking more is did we go to Mr.
18 Williams and tell him, since he was working for--doing work
19 for the committee, he had to give us his--all his computers
20 and his e-mail passwords and let us image everything and go
21 through it all? We did not do that.

22 He was not an employee of the Committee and
23 therefore we thought that it would be more subject to--

24 CHAIRMAN CORDLE: Did you get the e-mails and
25 text messages which he had sent to the Committee which I

1 assume from what you're saying the only--I don't think
2 they're employees of the Committee, but the only members of
3 the Committee would have been Dr. and Ms. Harris.

4 MR. BRANCH: Yes. The short answer is yes.
5 To the extent they were responsive, absolutely. There were
6 personal text messages from him that have nothing to do with
7 the investigation. Obviously we did not produce those.

8 Yes, we went in and we searched their e-mail
9 accounts in their computers for everything they had, and
10 they produced the responsive documents, whether it's from
11 Mr. Williams or anybody else.

12 MR. ELIAS: Mr. Cordle, I feel it vitally
13 important to put this on the record. It is the
14 representation of counsel that he got a subpoena lawfully
15 issued by a government entity and he did not endeavor to
16 search the campaign manager's records. The campaign
17 manager. I'm not talking about the low level staff. He
18 didn't bother to ask the campaign manager if he had records.

19 This is an extraordinary admission, and it
20 warrants, as I want to renew my--renew my request. At a
21 minimum a significant adverse inference when the campaign
22 manager was not asked for responsive documents, for a
23 campaign that he managed.

24 CHAIRMAN CORDLE: I will agree; I'm concerned
25 about that, but I don't think we're going to make an

1 inference today.

2 MR ELIAS: Well, then we're going to have
3 to expand our witness list, Mr. Chairman, to include a
4 number of employees now of this campaign. That these
5 records apparently were not reviewed.

6 CHAIRMAN CORDLE: We may have to do that.

7 Thank you, Mr. Branch.

8 Anything else, Mr. Lawson, this morning?

9 MR. LAWSON: No, sir. We'll hand up that
10 supplemented 56 that Mr. Branch handed me.

11 CHAIRMAN CORDLE: Please, and let's attach it
12 to the document as part of it.

13 MR. DALE: Mr. Chairman. May I ask one
14 thing?

15 CHAIRMAN CORDLE: Yes, sir, Mr. Dale.

16 MR. DALE: As part of all this process
17 in the multiple forums--

18 CHAIRMAN CORDLE: You've been quiet over there.
19 We appreciate it.

20 MR. DALE: Well, that's the point I
21 wanted to get to. There have been times in this process
22 that I have appeared on both Dr. Harris's behalf and the
23 Committee's behalf, but as Mr. Branch said, he was handling
24 the production.

25 I mean I just wanted to be clear. You said I was

1 only representing Dr. Harris. I have represented both.

2 CHAIRMAN CORDLE: Oh, okay. Thank you, sir.

3 MR. DALE: I just wanted to be clear on
4 that.

5 CHAIRMAN CORDLE: We appreciate your clarifying
6 that.

7 MR. CARMON: I'm sorry, counsel, your name
8 again?

9 MR. DALE: I'm Alex Dale.

10 MR. CARMON: Mr. Dale, so do you have an
11 explanation of why the Committee didn't give us the document
12 until yesterday? I just want someone to tell me why--
13 yesterday this young man sat up here and was an example of
14 what attorneys should be, and the speech he gave at the end
15 was remarkable.

16 And I think it's a disgrace to our profession that
17 we didn't--that the document was not submitted to the Board
18 through counsel. And as an attorney I want to know why that
19 did not happen.

20 MR. DALE: And again, I'll have to give
21 you the same answer I just gave Mr. Cordle, that I was not
22 involved in the document production side. I'd like to
23 answer your question, but I'd have to defer to Mr. Branch
24 to answer that.

25 DR. ANDERSON: I want somebody to please

1 answer the following: John Harris yesterday testified in
2 specific detail that he was told those documents, since they
3 weren't going to be considered privileged, would be in the
4 production.

5 He even asked for a heads up about the time that
6 they would be produced because he knew that those documents
7 in particular would ensure extreme media attention.

8 Who told him that or was that not truthful?

9 MR. FREEDMAN: That was very--he was very
10 truthful yesterday.

11 DR. ANDERSON: Who told him that he would get
12 a heads up; that they could be produced?

13 MR. FREEDMAN: I don't--if he said that, then
14 yes or--yes. What I--he was concerned or he called me. I
15 was not involved--I was involved and had been involved
16 representing Dr. Harris. I'm not involved with production.

17 The question at that point was whether that--I
18 was asked about whether that was an attorney/client
19 privilege. I had made that determination. I determined
20 that it was not attorney/client privilege.

21 I assumed--at the time I told him that, I assumed
22 it was going to be produced. I haven't produced the first
23 piece of paper.

24 DR. ANDERSON: I understood.

25 MR. FREEDMAN: I assumed--when I told him

1 that, that was my assumption; it was going to be produced.
2 I understand later on the Committee made determinations as
3 to what would be--what was appropriate with the subpoena and
4 what was not.

5 I never called him back because he had my phone
6 to call me at any time, and I had not really thought much
7 about it because I did not--I was not concerned about that
8 document.

9 So if I was--and we had no further conversations
10 after that. That's why I told him he could talk to his--he
11 was concerned for his work. He didn't know if he needed to
12 go talk to his work. I said, "Go talk to your work about
13 that."

14 That--I believe that document whether it was going
15 to be produced or whether it was going to be testified to
16 from Dr. Harris at some point, that information was going
17 to be public. I said, "You can go ahead and do what you
18 want with that information now because you can guarantee at
19 some point that information will be public."

20 And it was going--Dr. Harris is prepared to
21 testify and testify about individuals. So that was--and
22 again, the point of that conversation was not about--in my
23 mind, it was not about production of documents. It was
24 about making sure that young man was very comfortable
25 because he was concerned, as other--there have been other

1 e-mails that were produced that he was on the chain of, I
2 believe. Is that correct?

3 There were other documents produced that he was
4 on the chain of, so I assumed he would be questioned at some
5 point, and I wanted to give him the green light that "You
6 don't have attorney/client privilege. You don't have to
7 worry about having done anything wrong. You can talk about
8 whatever you want," which is what he did.

9 I don't know if that answers your question or not.
10 At the time I told him it was going to be produced, I
11 believed that to be the case.

12 CHAIRMAN CORDLE: Any other questions?

13 MR. ELIAS: Chairman, have you--I just
14 want to make clear I'm talking not only about the e-mails
15 yesterday, but this text message today which Mr. Lawson
16 wrote: "The timing of your disclosure raises significant
17 material concerns regarding the Committee's compliance and
18 candor prior to and now during the hearing."

19 This was produced for the first time yesterday.
20 This is a extremely significant text message, and my motion
21 for an adverse inference is not just the issue regarding the
22 John Harris e-mails, and it's not just that the December e-
23 mail productions were not complete, apparently, and it's not
24 just fact that they didn't seem to search the campaign
25 manager or other key staffers' e-mails, but it is also that,

1 as your staff has pointed out, miraculously for the first
2 time yesterday a highly incriminating text message was
3 produced for the first time that was subject to a subpoena
4 and no misunderstanding.

5 CHAIRMAN CORDLE: I don't know that it's
6 incriminating, but it's certainly of interest to this Board
7 and to everybody and very material to this case.

8 I do have some concern that the Committee
9 considers employees of Red Dome which is their agent for
10 many, many purposes not--the campaign manager, for instance,
11 these files were not looked at, and that is, to me
12 personally, not acceptable behavior.

13 But let's go on today with what we have now. We
14 will make some decisions about this.

15 MR. ELIAS: May we have about a five
16 minute break because we haven't had a chance to see the--

17 CHAIRMAN CORDLE: Yes.

18 MR. FREEDMAN: I was going to ask for the
19 same.

20 CHAIRMAN CORDLE: Yes, sir. Let's--it's 9:45.
21 Let's go till 10:50--I mean, excuse me, 9:50. This clock's
22 not working.

23 (Whereupon, a brief recess was taken
24 from 9:46 a.m. to 10:04 a.m.)

25 CHAIRMAN CORDLE: Has Counsel had an opportunity

1 to review the documents, I gather?

2 MR. ELIAS: Yes, Mr. Chairman, I have one
3 brief matter. I'd like to hand up just for the record three
4 press releases that were issued by the Harris--by Mr. Harris
5 and his campaign during the investigatory period in which
6 they describe how happy but how pleased they were to be
7 fully cooperating in producing records under the subpoena.

8 And I will note that in each of them Mr. Williams,
9 the campaign manager, is actually listed as the contact,
10 Jason Williams, with a Mark Harris for Congress campaign e-
11 mail address no less.

12 CHAIRMAN CORDLE: Are you saying this is after
13 this investigation began?

14 MR. ELIAS: This is January 2nd, 2019;
15 January 3rd, 2019; and January 22nd, 2019. January 2nd,
16 Williams, the campaign manager, who apparently was not
17 considered part of the campaign, said, quote, "Dr. Harris
18 still supports a full and complete investigation of
19 everything that's transpired in the 2018 election."

20 On January 3rd, Mr. Harris--Mr. Williams, the
21 campaign manager who did work for the campaign, said, quote,
22 "While we have cooperated fully with the State's
23 investigation of alleged ballot irregularities, no evidence
24 has been supplied that suggests the outcome of the race is
25 in question."

1 And on January 22nd--oh, that was the 22nd.
2 January 3rd, Mr. Williams put out a press release with a
3 quote saying that Congressman Mark Harris continues to be
4 completely transparent, fully cooperative with the State
5 Board of Elections.

6 All of those, like I said, with a contact as Jason
7 Williams with Jason@MarkHarrisforCongress.com as his e-mail
8 address.

9 I did not--I briefly asked Mr. Harris about the
10 implications for payroll taxes and Department of Labor
11 regulations, treating clearly employees as independent
12 contractors, the consequence of which obviously means they
13 deny the workers overtime and payroll tax withholdings.

14 It did not occur to me at the time to--that it
15 would also connect up to who they believed was in the
16 control group for a subpoena. I'm happy to--

17 CHAIRMAN CORDLE: You say you asked Mr. Harris.
18 You mean Mr. John Harris.

19 MR. ELIAS: Mr. John Harris. I'm happy
20 to submit a brief if it would be helpful to the Board, but
21 the fact that they chose to violate Department of Labor and
22 State of North Carolina labor laws in misclassifying someone
23 who carried the title campaign manager or finance director
24 or political director as an independent contractor did not,
25 as a matter of law, alleviate the campaign from searching

1 for their e-mails.

2 If only people could avoid complying with
3 subpoenas by misclassifying employees as contractors, no
4 corporation in America would ever have to comply with a
5 subpoena.

6 So I'm happy to provide legal authority if the
7 other side disputes--if Mr. Harris's lawyers dispute the
8 scope of who the subpoena should have covered. Otherwise,
9 I would simply note that Jason Williams was the campaign
10 manager, Conrad Pogorzelski, P-o-g-o-r-z-e-l-s-k-i, was the
11 political manager, Kelly Tain and Jay Johnson were both
12 senior finance people, all of whom were testified about by
13 Red Dome as having titles with the campaign, not titles with
14 Red Dome but titles with the campaign.

15 And they very well need--if an adverse inference
16 is not appropriate, then I will say now I'm going to wish
17 to have the Board issue subpoenas to all of them so that we
18 can bring them here and have them talk about what
19 conversations and what e-mails that they may have had or
20 other forms of communications. Johnson, Jay Johnson was
21 the field director, again, a title with the campaign.

22 So may we hand these up?

23 CHAIRMAN CORDLE: If you would hand--

24 MR. ELIAS: May we hand these up and have
25 them marked?

1 CHAIRMAN CORDLE: And the Board can mark them
2 as Exhibits--I think it would be starting with 57.

3 (Whereupon, Exhibits Nos. 57, 58, and
4 59 were marked for identification.)

5 CHAIRMAN CORDLE: I would also say to counsel
6 that if we're going to have all the rest of these witnesses
7 and of course, Dr. Harris, today at some point in time, we
8 may run out of time this week and out of a place to hold
9 these hearings.

10 And I wish when we take a break for lunch to talk
11 with you all about your schedules and when we can come back
12 with something, a time, if we have to go beyond this week.
13 That's fair warning, in other words.

14 MR. ELIAS: It might also make sense to
15 talk to the Board about when they think that we'll get the
16 remaining documents that have still not been produced.

17 CHAIRMAN CORDLE: Yes. Are we ready to proceed,
18 Board's staff?

19 DIRECTOR STRACH: Yes, Mr. Chairman. The staff
20 would call Dr. Harris.

21 CHAIRMAN CORDLE: Would you state your name,
22 please, sir.

23 THE WITNESS: I'm Mark Harris.

24 CHAIRMAN CORDLE: Mr. Harris, I have misplaced
25 my document that I have about asking all these questions.

1 You do understand I issued the subpoena as the
2 Chair. I found it. I issued the subpoena requiring you to
3 attend this hearing, and I now excuse you from that
4 subpoena. So you're free to leave at any time. I doubt you
5 want to leave now.

6 You're not required to answer questions, but if
7 you do, the answers are voluntary and under oath. Do you
8 understand?

9 THE WITNESS: Yes, sir.

10 CHAIRMAN CORDLE: And you do have an attorney
11 here.

12 THE WITNESS: I do.

13 CHAIRMAN CORDLE: You've gotten advice from the
14 attorney about how to answer questions.

15 THE WITNESS: Okay.

16 CHAIRMAN CORDLE: If you don't understand a
17 question, please ask for clarification.

18 THE WITNESS: Yes, sir.

19 CHAIRMAN CORDLE: And if you don't know the
20 answer to the question, you may say so, and don't guess or
21 speculate.

22 If you could, please swear him in.

23 (Whereupon,

24 MARK HARRIS,

25 having first been duly sworn, was

1 examined and testified as follows:

2 CHAIRMAN CORDLE: Thank you, sir. It's your
3 witness.

4 DIRECTOR STRACH: Thank you, Mr. Chairman.

5 DIRECT EXAMINATION BY DIRECTOR STRACH: 10:12 a.m.

6 Q Good morning, Dr. Harris.

7 A Good morning.

8 Q How are you?

9 A I'm well. Thank you.

10 Q Hope you had a nice long trip back from Charlotte
11 this morning.

12 A A long trip and a short night.

13 Q I'm sure it was. First, I wanted to thank you for
14 being here and to also thank you for meeting with me and
15 Chief Investigation Joan Fleming earlier last month.

16 A Yes, ma'am.

17 Q And as you recall, we talked about a lot of
18 things. We talked a lot about how you met Mr. McCrae
19 Dowless and how he came to work for you, and I think we'll
20 probably talk about that a lot today.

21 But I think it might be helpful for our purposes
22 if we sort of start with April 6th. We've heard a lot of
23 testimony and a lot of dates and we've gone back to 2016;
24 that I think it might be good if we just start there, at
25 April 6th.

1 That was the first day you met McCrae Dowless,
2 correct?

3 A That is correct.

4 Q And so can you tell the Board how that meeting
5 came to be?

6 A That meeting came to be following a phone call a
7 couple of weeks after the 2016 election that came from Judge
8 Marion Warren who was a good friend of mine, and Judge
9 Warren in that phone call shared with me that he really
10 wished that he had made contact between me and a gentleman
11 in Bladen County by the name of McCrae Dowless before McCrae
12 Dowless got connected with Todd Johnson who won the 2016
13 primary in Bladen County.

14 And he shared that, you know, I said, "Well, who
15 is McCrae Dowless?" And he went on to explain to me that
16 McCrae was a good old boy from Bladen County, that he had
17 been there most all of his life, and that he was a good old
18 boy; he ate, lived, slept, and drank politics.

19 And he said, "Todd Johnson who beat you." He
20 said, "McCrae Dowless and his Get Out The Vote Program did."
21 And he said, "If you ever think about running for office
22 again that would include Bladen County," he said, "I would
23 encourage you to let me know, and I'll be personally willing
24 to take you down there and introduce you to some of the key
25 players in Bladen County at that time."

1 So that was a few weeks after the runoff--or, not
2 the runoff, but the 2016 election. So fast forward to April
3 of 2017, and in March, actually prior to that, Judge Warren
4 has reached out to me about support of a house bill that was
5 going on and a press conference; they were trying to get
6 some pastors to come forward.

7 And so I responded to that communication to him,
8 and in the process of that, told him that we were getting
9 to a point where we were needing to have some conversations,
10 Beth and I, about what we were going to do in the future.
11 We were looking seriously at another run for the Ninth
12 District, and that if he would be willing to set up, you
13 know, a meeting with some of those key people and take me
14 down there, that would be great.

15 And he said, "Shoot me some dates." We went back
16 and forth in communication and finally settled on a date
17 which was April 6. He was not going to be able to be there
18 that day, but he arranged the meeting and said it would be
19 held at Ray Britt's furniture store, which is was where I
20 was to go, and I'd be in good hands and there would be
21 several folks there and I would meet several of those key
22 people, leaders in the community.

23 So on April 6 I went to Ray Britt's furniture
24 store, and there were several people there for that meeting.
25 In fact, I know in our interview I mentioned the people that

1 were there was--Pat Melvin was there who's a businessman in
2 the community. Of course, Ray Britt I met for the first
3 time there and talked to him in his furniture store.

4 And also at that meeting was Walter McDuffie who
5 was the Chairman of the GOP. And the sheriff, I was told,
6 was hoping to be there, but he had gotten caught up at a
7 funeral in Raeford, North Carolina, and wasn't sure he was
8 going to be able to get back, and McCrae Dowless was there.

9 And so that meeting ensued and went from there.
10 So that's how I came to meet McCrae Dowless.

11 Q Okay. So let's talk about that meeting.

12 A Yes.

13 Q So you met in the furniture store, and did--was
14 McCrae sort of leading this meeting or was someone else
15 leading the meeting?

16 A Well, when I first got there, I met Ray first, and
17 then others trickled in, and so we were sitting actually out
18 in the showroom of the furniture store, sat on some couches
19 around there, and introduced to everybody.

20 And in the process of that, I started the meeting
21 basically and said, "I just wanted to let you guys know what
22 brought me down here, and I came down here because, you
23 know, I'm considering running for the Ninth District, and
24 I would like for you all to sort of explain to me what the
25 landscape of politics in Bladen County looks like."

1 And I said, "I'll tell you a little bit about
2 myself." And so I shared with them, you know, how I had run
3 in 2016 and had lost in the primary, and that Bladen County
4 obviously was the county that I lost and that I would love
5 the opportunity to talk to them and get their feedback on
6 what the landscape looked like.

7 Q And so it was broader than just the absentee
8 program. Is that fair to say?

9 A Oh, yes.

10 Q So at some point though was Mr. Dowless asked to
11 explain his absentee mail--

12 A I asked him. After I did my introduction and what
13 I was doing, they began to respond and share with me the
14 landscape of politics. They began to talk about how it was
15 changing, and that it was changing dramatically.

16 That Donald Trump had carried their county in
17 2016, and they had actually seen a county commission that
18 only had one Republican and they had seen three additional
19 Republicans elected in 2016, which gave them four, and the
20 chairman was considering at that point changing his party
21 affiliation to give them a majority on the county
22 commission, and that--as they described that situation, and
23 then they said, "And a lot of that is owed to this man,
24 McCrae Dowless, and the work that he's been doing."

25 And so I turned to McCrae and I said, "Well, what

1 makes you so special and what do you do?" And he began to
2 explain to me that he had a Get Out The Vote program, along
3 with an absentee ballot program, that had proven to be
4 pretty successful.

5 And I said, "Well, could you explain it to me?"
6 And he began to explain it to me.

7 Q What did he tell you about that program?

8 A What he explained to me about that program was
9 that it was twofold. That it was a very labor intensive
10 program and that it was primarily focused on hiring
11 individuals to go out and solicit, knock on doors, talk to
12 people about getting an absentee ballot request form filled
13 out so they could get engaged in the program.

14 He said. "There's lots of people that are low
15 propensity voters; there's lots of folks that we have
16 touched in the past that would fill out an absentee ballot
17 request form, and we take those and then they fill them out,
18 we take them back, and we turn them in to the Board of
19 Elections." He said, "And that's Phase 1."

20 And then he said, "Phase 2 is the actual absentee
21 ballot follow-up that's involved." And I said, "Well, tell
22 me how that works." And he said, "We send two people, once
23 the ballots have been mailed out, back to their door and
24 they offer themselves there to assist if they are needed--
25 the absentee ballot recipient needs any assistance."

1 And I said, "Well, what kind of assistance?"

2 "Well, we tell them about the candidates if they have any
3 questions at all. We, you know, make them aware that they
4 have to have two witnesses sign their ballot, or a notary,
5 and should they need two witnesses and we're there, then we
6 can--we can witness their ballot, and then we urge them to
7 get it in the mail as soon as possible."

8 And he said--and I'll never forget it. He said
9 it again and again. He said, "We do not take the ballot."
10 He said, "I don't care if it's a 95 year old woman in a
11 wheelchair or on a walker, you don't take the ballot. You
12 can walk her on her walker to the mailbox and she put it in
13 and raise the flag or you can push her in a wheelchair to
14 the mailbox and she can put it in and raise the flag." He
15 said, "But we don't touch ballots and don't take ballots."

16 Q And was that comment or description that you said,
17 was that because you asked him about it or was that just
18 part of his description of Phase 2?

19 A That was part of his description of Phase 2.

20 Q So he was just assuring you that part of that was
21 not collecting the ballot; it was--you're trying to make
22 sure that people put it in the mail, and he was telling you
23 that you could walk someone to the mailbox.

24 A Right.

25 Q That was what--

1 A That is correct.

2 Q --what he was trying to tell you. So certainly
3 with any campaign, you're concerned about costs. Did he
4 talk about what it would cost to implement this two phase
5 program?

6 A What he shared with us at that point, or with me
7 at that point was that the people that he hired to go out
8 were paid by the absentee ballot request form that they
9 brought back in; that that's how the payment was given to
10 the--that was our charge, if you would, for what they did.
11 And so that was what he explained to me was the way the
12 program worked at that point.

13 Q And did he tell you how much each person would be
14 paid per ballot?

15 A I want to say at that point he told me four or
16 four-fifty a ballot request form that would be turned back
17 in, and when he shared with me that, I said, "So you don't
18 pay people by the hour," because, you know, in a lot of
19 cases we pay field workers out there by the hour, knocking
20 on doors and doing the kind of things that you do in a
21 campaign.

22 He said, "Oh, no." He said, "Not down here." He
23 said, "If you pay somebody by the hour, they're just going
24 to go sit under a tree and then come back and collect it."
25 And he said, "I figure that they ought to be able to collect

1 two to three absentee ballot request forms in an hour,"
2 which would be the 10 to 12 dollars an hour basically that
3 a person would make.

4 Q And so the four or four-fifty, that was for ballot
5 request forms.

6 A Correct.

7 Q What made this program work, I guess, is also
8 Phase 2 which is, as we all know with absentee ballots, is
9 getting the people to mail it; that usually is what--the
10 reason why sometimes they're not returned is because people
11 just will not mail it.

12 A Right.

13 Q So with Phase 2, certainly workers have to go out
14 and do the same thing; they have to go door to door back to
15 those places. Was there a cost involved of what they would
16 be paid to go back to those houses?

17 A At that particular meeting that day we did not
18 get into the cost on the back side of what they would do.
19 Only the absentee ballot request forms that he talked about
20 that day.

21 Q Did you ever get to a point that you understood
22 what--how--what he was paying his workers to go back, what
23 that amount was?

24 A I did not.

25 Q So there was never a point that you knew how much

1 he was being paid--he was paying his workers to do that.

2 A Correct, because following that meeting and then
3 talking with him and making a decision that I wanted to
4 retain him or try to tie him down, if you will, at that
5 point, I then was talking to Andy Yates, and I encouraged
6 Andy and told Andy that I wanted to use McCrae Dowless, I
7 thought; that I had met with him, this was the program, I
8 explained, that it would be, and then I asked Andy if he
9 would meet with McCrae and just make sure everything sounded
10 good to him, sound as a consultant to him, and that he
11 worked out all of the payment schedule.

12 I didn't even work out his salary originally.
13 Andy worked that out, the \$1,200 a month that's been
14 referenced that we would pay him as his fee, and then during
15 the general election, I think we went to \$1,650, but Andy
16 negotiated that type of fee structure with him, and I agreed
17 to it.

18 Q So was that sort of the gist of what happened on
19 that April 6th meeting? You discussed the Phase 1, Phase
20 2. Did you ask any questions about his program after he
21 explained it? Did you have any questions? Was there
22 anything that concerned you about anything he said in his
23 description of the program?

24 A No. I mean I said, you know, when we left that
25 meeting that day, I said, "Well, I want to think about this

1 for a little bit, and I want to take it to heart, and I'll
2 get back with you." And that is the way that we left it
3 that day.

4 Q And at that meeting did you know that he was the
5 same individual that had helped your opponent in 2016, Todd
6 Johnson, to be the top vote getter in absentee mail in
7 Bladen County?

8 A I did know that.

9 Q And because that was something where in that
10 election you finished second and there were concerns about,
11 as I think we discussed in your interview, about whether the
12 call for a recount or whether to protest based on some
13 suspicions of things that didn't look quite right with those
14 numbers, did you ask him about that in that meeting on April
15 6th?

16 A Well, I mean in the conversation I don't recall
17 exactly referencing, but "Is this the same program you used
18 with Todd Johnson?" I don't remember those words. I just
19 can't recall exactly.

20 Q So let's go to April the 7th. We had a lot of
21 testimony yesterday from your son, and I wanted to sort of
22 walk through that.

23 So one thing that I did notice is that--and we'll
24 put up the e-mail in just a minute, but you are early risers
25 because a lot went on before nine o'clock that morning.

1 A That is correct.

2 Q So let's not talk about the e-mail yet. Let's
3 talk about the phone call.

4 A Okay.

5 Q So do you remember--were you in attendance; was
6 your wife with you at that April 6th meeting?

7 A She was not.

8 Q She was not. So that next morning, did you call
9 John or did he call you?

10 A My recollection was that I actually called John,
11 I recall, on the way home from Bladen County. I had thought
12 that conversation took place on that night on my ride home
13 and talked to John about, you know, a meeting I just came
14 out of and what I learned, and what did he--what could he
15 tell me, you know, from what I was sharing with him about
16 the law aspect of that.

17 Q Was your son John aware that you were meeting with
18 McCrae Dowless before you called him that night or morning?

19 A I don't think he was aware of that meeting coming
20 up. I don't recall that exactly, but I don't think he was
21 necessarily aware that meeting was happening.

22 Q So you called him on your way back or in the
23 morning--

24 A Right.

25 Q --to discuss what had happened at that meeting.

1 A That's right.

2 Q And what did he say to you? He knew who McCrae
3 Dowless was, correct?

4 A At that point he knew him as McCrae, as he
5 testified to yesterday. He--John's reaction or when we
6 talked about what had happened, he said, "Well, dad," he
7 said, "you just need to make sure and understand all of the
8 aspects of this."

9 And that's why, you know, when I got the e-mail
10 the next morning, that he had responded with the first thing
11 on that e-mail, I believe, was the statute, and he wanted
12 me to see that.

13 So that was the thing that he emphasized to me in
14 the phone call itself was that "You just need to make sure
15 that all of the statute is followed," and the things that
16 have happened because he had said that 2016 as he testified
17 to yesterday, he had said that just seemed highly unusual
18 in those numbers.

19 And I said, "I understand it," and I said, "But
20 again, based out of what came out of that meeting and the
21 individuals I met with that day, I'm convinced that it all
22 comes down to relationships."

23 And I said, "I just think that the relationships
24 that he has with people throughout that community are people
25 that will fill out an absentee ballot request form and then

1 ultimately mail an absentee ballot in."

2 And he had worked--that was the campaign in 2016,
3 We talked--John and I had talked about that, and he knew
4 that was a nine-week campaign from beginning to end because
5 it was a special election held in June. And so that was the
6 primary conversation.

7 Q Did he on that call--he testified yesterday that
8 during that phone call he told you that he believed that
9 McCrae was collecting ballots, and--as we see that in the
10 e-mail. So did he--did you discuss whether or not that that
11 had been directly talked about at your April 6th meeting;
12 did he ask you about that?

13 A I don't recall exactly if he did in that. Again,
14 I knew that he had raised that to me, that he thought that
15 was a concern, and I shared with him again, based on what
16 I was hearing, you know, I just--I didn't sense that.

17 Q You didn't have that concern after leaving the day
18 prior with Mr. Dowless.

19 A Right.

20 DIRECTOR STRACH: And so can we hand up that the
21 April 7th e-mail?

22 Q I'm going to hand you up that e-mail from April
23 7th so that we can sort of walk you through that.

24 MR. LAWSON: It's 55, from yesterday. I'm
25 just getting the original.

1 (Pause)

2 (Document handed up to the witness.)

3 Q Do you recognize this e-mail?

4 A I do.

5 Q And do you recognize that it was sent at 8:56 on
6 the day after your meeting with Mr. Dowless? Does that seem
7 about the time that at least you remember--

8 A Is the time on here?

9 Q It's on the very top. It's on the right-hand
10 corner.

11 A Okay. Yes, I see that.

12 Q And do you see an e-mail that's from your son to
13 you?

14 A Yes.

15 Q And as you referenced earlier, it's the statute.

16 A That's correct.

17 Q And my question was what--when you received this
18 e-mail, what question did this statute answer for you?

19 A Well, when I--I read the e-mail, and then--because
20 I assume by my response that I had--in the phone call I had
21 asked him to, you know, let me know were we within the legal
22 realm; were we operating--in the program he had described
23 to me, would it be operating within?

24 So my response to him was "So you found no problem
25 in handling request forms. I'm certain that they have them

1 mailed in then."

2 So what he--when he sent this e-mail to me, again,
3 it didn't reference anything having to do with absentee
4 ballot request forms.

5 Q So you think maybe one of the questions that you
6 had asked him in your phone conversation was about the
7 request process, and going--

8 A Right.

9 Q --and receiving the requests; is that what you
10 think?

11 A That's correct.

12 Q And that--

13 A Because I've never done this. I mean I wasn't
14 that familiar with absentee ballots myself.

15 Q Right.

16 A I think my parents, before they passed away, had
17 done absentee ballots, and we participated then, but I did
18 not remember what the request form aspect was.

19 Q And then your son responds that he didn't see any
20 problem in the law about request forms. "I don't see any
21 problem that there's a problem with calling people and
22 providing them the forms."

23 So clearly at this point we're not talking about
24 collection of ballots. We're talking about the request
25 part--

1 A Correct.

2 Q --of the program.

3 A Correct.

4 Q And then the final paragraph in that exchange, he
5 says, "The key thing that I am fairly certain they do that
6 is illegal is that they collect the completed absentee
7 ballots and mail them all at once.

8 "The way they pop up in batches at the Board of
9 Elections makes me believe that. But if they simply leave
10 the ballot with the voter and say 'Be sure to mail this in,'
11 then that's not illegal."

12 A Correct.

13 Q So was that your understanding of how that--how
14 Phase 2 worked is that there has to be some way of not just
15 helping someone witness the ballot; there has to be some
16 way to encourage them to get them to put it in the mail.

17 A Correct.

18 Q Was that what he was addressing there, of how they
19 may--how that might happen? Because he said he's fairly
20 certain they collect it.

21 A That was his opinion.

22 Q What he's telling you he thought they were
23 collecting.

24 A That's correct.

25 Q And he's saying, "But if they simply leave the

1 ballot with the voter and say 'be sure to mail this in,'
2 then that's not illegal."

3 A Correct.

4 Q And then if you look at the next page--

5 A There's an exchange.

6 Q --is going to be your response to that.

7 A Correct.

8 Q And then you bring up--you say that your wife had
9 a good point. So when you look at that exchange, were you
10 trying to explain to him what McCrae's program was with
11 respect to Phase 2 of ensuring that that person's ballot was
12 getting to the mail? Is that what you were trying--

13 A Yes. I mean I was trying to communicate with him
14 what I had understood that the program involved, and that
15 again, they would help them get it--you know, if they helped
16 them from their home, I--in fact, I used the illustration
17 with him that I don't care if it's a 95 year old woman in
18 a wheelchair or a walked; you don't take their ballot. You
19 can go--you can take them--go with them to the mailbox, let
20 them put it in, and raise the flag.

21 But so mom--when I said "Mom brought up a good
22 point" in that response, she had actually said that again,
23 exactly what I put here, that perhaps they took the person
24 to their personal mailbox and put it in, raised the flag for
25 the mailman to pick it up since the ballot is already signed

1 and sealed, as it says, they don't pick up, to my
2 understanding, but they encourage them to mail it that day
3 by putting it in the mailbox and raising the flag. So, yes,
4 that was what I was trying to explain to him was the
5 program.

6 Q And with an absentee ballot program, was there
7 something--Mr. Dowless was explaining it to you, was there
8 something that seemed unique about it, why his program--you
9 said it was very labor intensive.

10 A Uh-huh (affirmative).

11 Q Is that what makes it different from other Get Out
12 The Vote absentee programs that other campaigns may have
13 done?

14 A There are several things that I gathered from that
15 conversation when I met with McCrae Dowless and that group
16 for the first time was that what made this program different
17 from many--we really hadn't done an absentee ballot program,
18 obviously, in 2016. If we did, it was very poor. But we
19 had not done one.

20 So what I was hearing from him was that it was
21 labor intensive and that it had more follow up. I mean any
22 other absentee ballot program I'd pretty much heard of was
23 simply making phone calls to people.

24 I think in campaigns I've been involved before,
25 that when folks would--you get the list, and you just call

1 people and say, "I hope you'll cast your ballot. I'm so and
2 so." And that had been the extent of it, or maybe even a
3 letter to follow up.

4 But the fact that they actually went in person
5 back to the doors to make sure these folks knew that they
6 had gotten their absentee ballot and that they were there
7 to assist them, I thought, was a unique part.

8 And then, to be honest with you, again, the
9 relationships said a lot. I mean the fact that a small
10 community like Bladen County, that people know people. I
11 think we heard testimony over the last three days that a lot
12 of--everybody's related to each other down there in one way
13 or another.

14 He's seemed to have the relationship that I was
15 gathering from the conversation that happened in that
16 meeting that day, and absentee ballot request forms and
17 getting people to fill that out and turn that in and that
18 you can get an absentee ballot does take a certain amount
19 of trust for individuals to do it, and those relationships,
20 I felt like, is what caused him to be successful.

21 Q When you say "trust" though--when you're saying
22 trust in who--getting an absentee ballot needs trust. What
23 is the trust?

24 A The trust between a person that you go to the door
25 and the person knocking on the door, that when they answer

1 the door--and these individuals that were trying to engage
2 their family and their friends had that trust relationship
3 with these individuals, and many of them trusted McCrae.

4 Q So the final e-mail is after you sort of explained
5 what you think that Phase 2 is, is that your son is sort
6 of--when I read it I sort of--it sounds like to me a final
7 pitch to you, to really think about this before you go
8 forward. That's what it sounds like to me.

9 How did you--

10 A I would agree with that. That's exactly how I
11 read it. That he said, "Good test is if you're comfortable
12 with the full process he uses being broadcast on the news."

13 Q How do you feel about that sitting here today?

14 A Well, sitting here four days into this meeting,
15 I, you know, my son was a good prophetic in his statement
16 that day, and I read it again that he was saying "Make sure
17 you're comfortable with what you're being presented here and
18 what risks may come."

19 Q Right. That's how I read it too. So after this
20 e-mail and we discussed this in your interview about after
21 that meeting what you told Chief Investigator Fleming and
22 I, that after that meeting you came back and you did due
23 diligence before you made the decision to engage him, which
24 I think was on April 20th.

25 So can you tell the Board or talk about the things

1 that you did, the due diligence you did to make sure that
2 this program was everything that he said it was before you
3 would engage his services.

4 A Well, the extent of at that point the decision
5 process was going to be trying to determine if this was
6 something that we felt comfortable entering into an absentee
7 ballot request program along with a Get Out The Vote aspect
8 with McCrae.

9 And you know, a large part of making that decision
10 was based on the individuals that I had met with that day
11 and the roles that they would play. I mean we have an
12 elected official in Ray Britt who had been elected a county
13 commissioner and who would become chairman of the County
14 Commission. We had a very successful businessman in Pat
15 Melvin in real estate there in the area. We had Walter
16 McDuffie who was highly respected and chairman of the Bladen
17 County GOP.

18 And so, you know, their recommendation went a long
19 way. And the sheriff, again, didn't make it back, but he
20 had called to say that he was sorry he didn't get back, you
21 know, and he hoped we had had a good meeting.

22 And so over the next two weeks for me personally
23 was a time to think it through, to pray about it, to just
24 make sure, as I did in talking to John, that everything was
25 within the structure of the law and that it was something

1 that we would be able to proceed in.

2 And so after thinking it through and over those
3 probably--I guess from April 6 to about April the 20th,
4 which was about two, two and a half weeks, I determined that
5 I at least wanted to engage McCrae and tie him into our
6 campaign in some way if we indeed decided to launch.

7 We were still in the conversation stage at this
8 point, quite frankly, and we were still trying to make the
9 decisions about was this going to happen. There were a lot
10 of factors that were playing into it.

11 Obviously, as you go back and look at the 2016
12 race, was Todd Johnson going to run again? And were we
13 going to see the very same results that we had seen in 2016
14 if he were to choose to run again in 2018?

15 So conversations had taken place there as well
16 with what he intended or thought he was going to do, and so
17 we were still in the decision process about even getting in
18 the race. It was a major decision for Beth and I.

19 I'd been a senior pastor for nearly 30 years and
20 was pastor of First Baptist Church Charlotte. I loved what
21 I did. I absolutely enjoyed it. I enjoyed everything about
22 it, and yet there was a sense of call and a purpose for me
23 to step into this arena and to do this.

24 And so--but we knew that when we did this in 2017,
25 if we took that step, that I was going to resign from First

1 Baptist Charlotte, and it was going to be the largest step
2 of faith that we had taken probably in 30 years of marriage,
3 31 years of marriage that we'd had at that point.

4 Q So I guess another question though I would have
5 on that is that on April 7th when your son made, and I call
6 it the final pitch to you to really think about this, "Look
7 at the things I've told you; I think he's collecting
8 ballots," did you contact any of those elected officials
9 that you talked about and ask them specifically, "Do you
10 know if he's collected ballots," because they're using his
11 services too to be elected? Did you ask them? Did you call
12 Todd Johnson and ask him what he knew about whether or not
13 McCrae Dowless was collecting ballots as part of his
14 program? Did you make any of those phone calls before you
15 made that decision on April 20th?

16 A No. I do not recall a conversation with Todd
17 Johnson specifically about McCrae Dowless and what had
18 happened in that election with him. I did have breakfast
19 with Todd Johnson's campaign manager, Zack Almond, at one
20 point.

21 I don't remember the exact date of when I had
22 breakfast with him, but I was wanting to talk to him and
23 see how open he would be about getting involved with our
24 campaign. He did not end up with our campaign but ended up
25 with Mr. Pittenger's campaign and working with him.

1 But, you know, in the meeting McCrae had been so
2 clear I didn't think it necessary to call those same men
3 back and say, "Do you have any knowledge or understanding
4 that he's collecting ballots." So no, to your question, I
5 did not.

6 Q And I understand he may have been clear, but he'd
7 been clear and told you--it would be illegal if he had told
8 you that he was collecting ballots--he knows that would have
9 been illegal, and you likely wouldn't--I'm certain you would
10 not have hired him if he told you he was collecting ballots.

11 A Correct.

12 Q But your son based on not just your son's gut;
13 your son had looked at data from the 2016 election and
14 really was looking at things that as investigators we would
15 look at, the batches, looking at things that are coming in
16 at the same time. He was giving you that advice or his
17 opinion based on that information.

18 A Sure.

19 Q So when you said due diligence, after knowing that
20 and his making his call, did you call an attorney; did you
21 do anything before you made that decision, or were you just
22 comfortable enough with McCrae Dowless's word?

23 A I was comfortable enough with the recommendations
24 of the individuals from Judge Marion Warren who at first
25 told me about McCrae Dowless and what he did, and all the

1 way through and meeting with those individuals, I was
2 comfortable enough at that point.

3 My son is obviously--and I will say this for the
4 record. I was very proud of him yesterday.

5 Q I'm sure you were.

6 A And I'm very proud of him every day and love him
7 greatly, but again, my son, at the time that we were
8 communicating here, was still my son. He was 27 years old,
9 very sharp young man who I have a great deal of respect for
10 him, and--as an attorney, but he was looking simply at data
11 that he was doing of the special election.

12 He had been in Washington, D.C. When he had
13 looked at that 2016 election, he actually lived in
14 Washington at the time and was following that data. And
15 really and truly I think he used this term yesterday was he
16 knew that his dad was weighing out this thing.

17 He had never been to Bladen County. He had never
18 met McCrae Dowless. He had never met any of these elected
19 leaders, and McCrae Dowless himself, I learned during that
20 meeting, was an elected official and had been elected in
21 2016, and so, no, I didn't go back any further to those
22 folks or any of the others that you mentioned. I did have
23 a comfort level at that point.

24 CHAIRMAN CORDLE: Did you ask McCrae Dowless how
25 he was able to get 98.5 percent more or less for Todd

1 Johnson in the election?

2 THE WITNESS: I asked them--I didn't ask him
3 those specific numbers, Mr. Chairman. I did ask him, "How
4 did you beat us so bad? What is your program?" I mean that
5 was the gist of why we were there, and I wanted to find out
6 from him what was the program and was it something we wanted
7 to engage.

8 CHAIRMAN CORDLE: It seems like, Mr. Harris, you
9 were saying that was really the first time you had met these
10 people you were talking to at Ray Britt's.

11 THE WITNESS: It was the first time I had
12 met Ray Britt. It was the first time I had met McCrae
13 Dowless. I knew Marion Warren who--from some time back and
14 I had met Mr. McDuffie back in 2014 when I was running in
15 a primary for US Senate and he had attended a fundraiser and
16 I had met him. I had never known him in the context of
17 chairman of the Republican GOP.

18 And Pat Melvin I had met one year earlier when I
19 was actually campaigning in Bladen County in that primary
20 that Todd Johnson ran--won, and I went to the sheriff's
21 office to meet the sheriff. And when I went in to meet
22 Sheriff McVicker for the first time, Pat Melvin was in his
23 office at that point.

24 CHAIRMAN CORDLE: Well, you know, the sheriffs
25 in most of our rural counties in North Carolina know

1 generally everything that's going in the county.

2 THE WITNESS: Correct.

3 CHAIRMAN CORDLE: Did you ever ask him directly
4 about McCrae Dowless and his, quote, program?

5 THE WITNESS: I did not. He--on the phone
6 call that he made that day, he told me that he was glad I
7 was there; he was sorry he was not able to make the meeting,
8 but, you know, and I was aware that McCrae had helped
9 Sheriff McVicker in the previous election, 2014.

10 CHAIRMAN CORDLE: You are aware the sheriff used
11 McCrae Dowless in this last--

12 THE WITNESS: That is correct.

13 CHAIRMAN CORDLE: --campaign in connection with
14 your campaign.

15 THE WITNESS: After the primary.

16 CHAIRMAN CORDLE: Right.

17 THE WITNESS: Correct.

18 CHAIRMAN CORDLE: Thank you. Sorry to interrupt
19 you.

20 DIRECTOR STRACH: Oh, no. Absolutely.

21 MR. CARMON: And may I--

22 DIRECTOR STRACH: Please.

23 MR. CARMON: --just follow on his coattail?
24 When you spoke with Mr. Dowless about not paying his workers
25 an hourly rate--and if I misquote you, please correct me--

1 he said, "These people, if you don't pay them to do
2 something, they will--if you pay them an hourly rate,
3 they'll go sit under a tree."

4 THE WITNESS: He said, "these folks down
5 here."

6 MR. CARMON: "These folks down here, if you
7 don't pay them--if you pay them an hourly rate, they will
8 go sit under a tree." That didn't make you think "what type
9 of people are you hiring?"

10 THE WITNESS: No, sir. I just did not think
11 anything about that except that he was stating that--I mean
12 getting people to go out and work and knock doors is a tough
13 job. In fact I've recently heard somebody say--I think it
14 was a lady named Tammy Fitzgerald--that she has learned that
15 there's a new definition for "volunteerism"; it's called
16 "ten dollars an hour." And that is that it's hard to get
17 volunteers. And so I took that at this point that if you
18 just are paying people by the hour, they're not necessarily
19 going to knock doors.

20 MR. CARMON: So long with that quote that
21 you just said, "ten dollars an hour," that's different than
22 paying for a ballot request.

23 THE WITNESS: Correct.

24 MR. CARMON: When you pay someone, in my
25 opinion, per request, that opens up the door for them to do

1 something that maybe they shouldn't. Did that cross your
2 mind?

3 THE WITNESS: It did not. His explanation
4 that he figured that they would--that knocking on doors,
5 enough of them, engaging enough people, that they could
6 probably do two to three an hour, which at 4 or 4.50 an hour
7 was going to be 10 to 12 dollars an hour.

8 MR. CARMON: But if they were to do six an
9 hour or ten an hour, it increases the amount of money per
10 hour.

11 THE WITNESS: That's correct.

12 MR. CARMON: Which increases the likelihood
13 that they may be a little more forceful with getting those
14 ballot requests.

15 THE WITNESS: Yes, sir. I see.

16 MR. CARMON: So looking back now, do you
17 think that that might have been a bad arrangement?

18 THE WITNESS: Perhaps.

19 MR. CARMON: And my final question was--
20 I'll wait. I feel like counsel may ask that one.

21 THE WITNESS: Thank you.

22 MR. CARMON: Thank you.

23 DIRECTOR STRACH: I want to hand up two checks.

24 MR. LAWSON: 57. I'm sorry, 60. We're back
25 to 60 because of the press releases. I apologize.

1 (Whereupon, Exhibit No. 60
2 was marked for identification.)

3 Q Dr. Harris, do you recognize these two checks?

4 A I do.

5 Q And can you tell us what Patriots for Progress is?

6 A That is who McCrae told me--when I had decided
7 that I would engage him and he said, well, here's--I said,
8 "What would it take to engage you at this point?"

9 And we--he talked about \$450 as a deposit, and as
10 we talked about the program, not only that he had done there
11 in Bladen County, but we talked about if it were to expand
12 to Robeson and Cumberland, which, the way our district was
13 set up, was at the eastern end of the district, and so the
14 second check came up for that.

15 And when I asked him, "Who do I make the checks
16 out to," he said, "Patriots for Progress." He said, "That
17 is a PAC that we'll use, and that's how, you know, I will
18 be retained."

19 Q And so did he give you more information about his
20 connection to that PAC?

21 A I don't recall except that he--I think he said,
22 "This is a PAC that I'm part of, or helped start, and that
23 we would--this would be how you'll make out the check, would
24 be the way I would be retained."

25 Q And so there was--the \$450 was on 4/20, and then

1 the second check is on 5/4, just a little while later, for
2 \$2,890. What was that check for?

3 A That check was to be able to engage him for all
4 three counties and for the startup cost of getting--if he
5 were to start, getting workers lined up if you were to
6 start. Really to retain him and get an office lined up and
7 get those kind of things that he was going to need to get
8 going, so.

9 Q And so he told you Patriots for Progress--this is
10 a PAC. Did you ask any questions about what kind of PAC it
11 is? Did he tell you it was an independent expenditure PAC?

12 A Yes, yes, it was an independent expenditure PAC,
13 he said, and that they had used that for part of their Get
14 Out The Vote efforts there, and that that would be the--who
15 I would make the checks out to.

16 Q Did he explain to you that independent expenditure
17 PACs, the way that they're able to operate is that they
18 can't coordinate with candidates. So if he's working for
19 a candidate, he can't use money or he can't--money can't be
20 spent from that PAC that is coordinated with a candidate.
21 Did he explain that to you?

22 A He did not.

23 Q And--

24 CHAIRMAN CORDLE: Excuse me. Did anybody ever
25 explain that to you, Dr. Harris?

1 THE WITNESS: That an independent
2 expenditure could not--

3 CHAIRMAN CORDLE: Yes, sir, they--

4 DIRECTOR STRACH: They can't coordinate with a
5 candidate.

6 THE WITNESS: They do not coordinate with
7 an individual candidate. No, I was not aware of that.

8 Q And did he also tell you that Patriots for
9 Progress, at the time that he asked you to write those
10 checks, was non-compliant, had not filed reports with the
11 State Board of Elections in quite some time? And so they
12 were essentially out of compliance and not in a position
13 really to be taking the checks because they were not
14 disclosing them. Did he tell you that at the time?

15 A No, ma'am.

16 Q So we also discussed, when we spoke last, about
17 how Mr. Dowless would be paid for his services and how those
18 payments would be structured and managed by Red Dome and
19 Andy Yates at your interview, correct? We discussed about
20 how Red Dome would be--he would be an independent contractor
21 for Red Dome. So I think I asked a few questions about
22 that.

23 So yesterday your son, when he was talking about
24 what he understood that arrangement to be, he said that he
25 thought that the decision to make McCrae Dowless an

1 independent contractor under Red Dome was really not for
2 everyone but really for him as a way to insulate him
3 politically from the campaign. Would you agree with that
4 statement by your son?

5 A No, ma'am.

6 Q Explain what you think.

7 A We put all of--when we brought Andy Yates and
8 talked with Andy Yates about--which was just weeks apart
9 from when Mr. Dowless was engaged. When we brought Andy
10 Yates and decided, we'd interviewed several consultants that
11 we were going to talk with and got a comfort level with Andy
12 Yates.

13 And one of the things that I appreciated about
14 Andy was the fact that I had had consultants before that
15 were what I called "them turnkey jobs," where basically you
16 hired a consultant and they bring all their own people in
17 and they do this, this, this, and this, and that's all it
18 is.

19 Andy was certainly open to individuals that I had
20 relationships with that we had worked with in previous
21 campaigns to share and take those leadership roles, and he
22 served as a strategist and general consultant through his
23 company and would manage those things and those individuals.

24 So one of the things that I had asked Andy so that
25 we would not have to have a bookkeeper; we would not have

1 to go through all those different things, we had Kelly Tain
2 who was going to be our finance director, if you will, and
3 fundraiser, if you will, that--without having to keep up
4 with all those different individuals, if people that we
5 employed or people that would work for Red Dome, did he ever
6 have an arrangement where they could work with Red Dome and
7 then just bill me once a month for each of those people and
8 then he take care of all of the different things at the end
9 of the year, taxes and all of that stuff, that would be
10 great.

11 And he said yes. He said that, you know, he had
12 a staff; he had office people within his company that would
13 be able to do that. So the fact that we brought on Jason
14 Williams who had been with us in our previous campaign in
15 2016 to come on as campaign manager in 2018; he would
16 operate that same way. Conrad Pogorzelski who was going to
17 be political director who had also been in our 2016 campaign
18 working with some of the folks in the field and on phones,
19 and then those individuals, Kelly Tain again, as I
20 mentioned, that they would all work as independent
21 contractors through Red Dome, and he would manage that.

22 So it was not to set McCrae apart. That was never
23 the intention or the plan.

24 Q Okay. So the two checks you wrote to Patriots for
25 Progress, were there any other checks that were written

1 prior to Red Dome being hired as the consultant that would
2 then have McCrae Dowless as the independent contractor?

3 A No.

4 Q So after that, all the checks came from Red Dome?

5 A Correct.

6 Q And when you talked to Andy Yates about McCrae
7 being an independent contractor that's going to be working
8 for your campaign, working for you, and these other people
9 are going to be paid under there, but who was supposed to
10 be managing them? Who's managing McCrae? Who's managing
11 Jason Williams and Kelly Tain? Who actually ultimately
12 manages them?

13 A Well, I felt like as a team, that Andy was our
14 leader. I mean we didn't have a staff meeting that Andy
15 wasn't there as our general consultant and strategist that
16 guided it. And then for the day to day operation, obviously
17 Jason Williams as our campaign manager was going to be
18 involved in that.

19 But we really worked more as a team; everybody had
20 their individual jobs that they were operating in and then
21 I would meet with them and--together, and we would
22 strategize and talk about the campaign and what we need to
23 do next.

24 And we had other vendors, media people. You
25 mentioned Bill Greener yesterday, and then that person

1 became--of that group became on message during the general
2 election that worked with us.

3 And so we were all there, and Jason Williams would
4 have been our campaign manager, and ultimately we felt like
5 that Andy--in fact, again, as soon as Andy was brought on,
6 I wanted him to meet with each of these people and see if
7 he had a comfort level with them and if they were going to
8 work out.

9 And so Andy did that; he had conversations with
10 Jason Williams, he had conversations with Kelly Tain, he had
11 conversations with Conrad, and then utilized them, and
12 McCrae obviously. This was testified to.

13 So ultimately, you know, all those were utilized,
14 and then McCrae's effort became engaged with Andy Yates'
15 other clients that he had and were involved with some of
16 them as well.

17 Q So with respect to Mr. Dowless, you hired or
18 engaged him prior to hiring Red Dome and Andy Yates,
19 correct?

20 A (Witness nods head affirmatively.)

21 Q So when he comes on, you've already established
22 a working relationship or an agreement with McCrae Dowless.
23 Did you explain that agreement to Andy Yates, what you had
24 sort of agreed to? And what had you agreed to that you
25 explained to Andy Yates?

1 A I explained the program up front, and I had told
2 McCrae that we--when we engaged him, at this time, in late
3 April, that we were going to be getting close to a
4 consultant; that--if we were to do this and we were to make
5 this decision ultimately to get in the race.

6 So, you know, it's a risk obviously that we were
7 taking here in making a payment because we had not finally
8 decided if we were going to actually take this, but I did
9 think it was important that if McCrae, you know, was going
10 to be willing to work and do this program, that we get him
11 engaged and committed. And so that's what we did.

12 Q And so did you have--you explained the program,
13 so you explained to Andy Yates that in order to get McCrae,
14 he's going to require this \$4 or \$4.50 per ballot, and so
15 that's something we're going to be responsible for paying
16 based on what he produces.

17 Did you give him instructions about how he's going
18 to manage that, how he's going to check and make sure McCrae
19 Dowless is accountable for that? I mean were there
20 discussions about how you could be certain that your money's
21 being spent the way it needs to be?

22 A Right. Well, we were operating--Andy was going
23 to put together, obviously, a budget for the campaign, and
24 in the overall budget for the campaign I think was probably
25 somewhere around 600 and--well, the first phase, you know,

1 the primary was going to be around 650, 700 thousand dollars
2 for that primary.

3 And so in the process of that, there was budget
4 items that were set apart, but yes, to your question; I did
5 tell him that, you know, this is what we had talked about.
6 This is what his fee is.

7 But again, I wanted Andy to meet with him and get
8 a--make sure that everything looked good and that everything
9 was going to work out and that that was going to fit.

10 Q And did you ever express any concerns that maybe
11 you--your son had. Maybe you didn't have those concerns,
12 but did you ever say anything to Andy Yates about, "Hey, we
13 just need to make sure McCrae Dowless is doing things the
14 right way. I'm going to depend on you to do that." Did you
15 ever have any conversations with Andy about that?

16 A I did express to Andy that I wanted to--I wanted
17 him to hear. I felt like more than one ear on what Andy did
18 was--I mean on what McCrae did was going to be helpful. And
19 so I wanted Andy to independently meet with McCrae and find
20 out what his program was and make sure all the boxes were
21 checked, if you will.

22 And had Andy come back to me and said that he's
23 telling me something different or he's telling me that he's
24 collecting ballots, then obviously Andy would have said, "We
25 can't do this," and I would've said, "You're absolutely

1 right."

2 Q But did you tell Andy Yates that at least your
3 son, based on information that he had obtained, had some
4 concern that that's what he might be doing--even though he's
5 saying he's not, that he might be doing that?

6 Did you ever express any concerns to Mr. Yates to
7 be on the lookout for that because obviously that's what
8 your son's concerned about from a legal standpoint but from
9 a political standpoint as well?

10 A Right. I don't recall that specific comment being
11 made. I do recall that--to say to Andy, "That this is the
12 guy that Todd Johnson used that beat us in 2016, and we've
13 just got to make sure that everything is above board."

14 Q And you said you expected Andy to set things up,
15 but did Andy report to you? I mean certainly any time
16 you're paying someone, especially when it's based on them
17 producing something to you in order to get paid such as the
18 requests, there would need to be something set up to make
19 sure that you've got some sort of proof that people are
20 doing what they say they're doing.

21 To your knowledge, was there--were you ever aware
22 that that was set up or did you think that that was set up
23 or did he report to you that that was set up?

24 A I assumed that that was set up, and I know our
25 campaign was receiving monthly invoices from Red Dome or

1 invoices, and then they would be paid. And as the campaign
2 got more and more intense and more and more advanced in both
3 the primary phase and then the others, I will tell you I
4 probably did not take as active a role in going over every
5 one of those invoices that Red Dome would send.

6 Sometimes it would go to Kelly Tain and I would
7 be copied in on them, and I probably didn't follow them.
8 We were very, very involved in the campaign itself and
9 keeping the candidate schedule in the campaign.

10 So, but I assumed, yes, that Andy was maintaining
11 that and it was taken care of. If I--my bottom line was I
12 knew the money that I had to try to raise. As the candidate
13 unfortunately in this day and time that's how you spend your
14 life is on the phone raising money for hours every day.

15 Q Well, I'm certain that's why it's so important
16 that it's spent appropriately.

17 A Correct.

18 Q You heard Mr. Yates's testimony over the past
19 couple of days. You heard his testimony that he didn't have
20 any documentation. He didn't require McCrae Dowless to
21 provide him anything but just a verbal number of what
22 requests he'd received or expenses that he had incurred.

23 Was that something that--did you know that that's
24 what--how he was operating?

25 A I did not know that it was just simply word of

1 mouth. I would've assumed, because I was getting an invoice
2 each month, that there was something else that he had for
3 his records of what he was paying McCrae.

4 So, no, I was not aware that he did not have
5 records of that.

6 Q And the budget that--Andy was tasked with sort of
7 coming up with a budget, but did you have final sign-off on
8 what that budget would be and how much individual people
9 were to be paid including McCrae Dowless as an independent
10 contractor?

11 A The salary part, yes, I did. I mean the way the
12 budget was structured is whether it was administrative, and
13 then there were different areas, field expenses, media, all
14 those kind of things, and in the midst of that, there was,
15 you know, the salaries, obviously, and administrative that
16 was there.

17 The expenses that were paid for all those
18 different things, you know, that was being managed there,
19 but the overall total program, yes, we did try to work
20 within that budget.

21 Q And did he ever--did Andy Yates ever come to you
22 and say, "We need more money for McCrae's program," or ever
23 express any concerns about the amount of money that McCrae
24 Dowless was requesting?

25 A He did not. He did not. Now, I think his

1 testimony yesterday was that, you know, I didn't raise
2 questions with him of the money being spent and he felt like
3 we must be fine with it.

4 CHAIRMAN CORDLE: Dr. Harris.

5 THE WITNESS: Yes, sir.

6 CHAIRMAN CORDLE: Mr. Yates also testified that
7 when he got on with the campaign, you had already agreed to
8 amounts to pay Mr. Dowless, monthly amounts, and I believe
9 you said you had left that to Mr. Yates to negotiate with
10 Mr. Dowless.

11 THE WITNESS: To my knowledge, when I paid
12 this initial check to tie him down, if you will, that we had
13 not talked specifically about what the monthly fee would be.
14 I don't recall that. Again, I was very agreeable to the
15 \$1,200 a month during the primary. Had I previously agreed
16 to that, then again I was fine with it.

17 CHAIRMAN CORDLE: All right. Those are details
18 you didn't keep--

19 THE WITNESS: Right.

20 CHAIRMAN CORDLE: --foremost in your mind.

21 THE WITNESS: There was a ton of information
22 that came into my mind every day in the midst of the
23 campaign, including making this decision.

24 CHAIRMAN CORDLE: Thank you.

25 Q I'm sure you've seen the visual that was put up

1 the first day--I think it was in my presentation--that had
2 the amount of money that Red Dome had paid McCrae Dowless
3 for the period of time of your--when your campaign
4 officially opened and through the general election.

5 And understanding at the time I had put that
6 together, we had not spoken with Andy Yates, but after Andy
7 Yates testified, he was able to at least estimate how much
8 of that--the funds that were paid to McCrae Dowless were for
9 your campaign as opposed to other clients he may have that
10 were using McCrae Dowless for services.

11 So I think he estimated that it was probably
12 around \$15,000 of the \$130,000 that would have been used for
13 other clients, estimating about \$115,000 to Mr. Dowless over
14 the course of your campaign. Were you surprised by that?

15 A Yes, ma'am.

16 Q I remember when we talked, I remember your
17 guesstimate at that time was far, far less than that.

18 A Yes, ma'am.

19 Q So tell me what you--

20 A I think I had estimate probably around 70, 60 to
21 70 for--

22 Q I thought, yeah, it was around--

23 A --for the 17--and that was for 17 months--

24 Q Yes.

25 A --for the whole time, from the primary through the

1 general election. And so, yes, I was quite surprised.

2 Q And what was surprising about it? Was it
3 surprising that you didn't know that from Mr. Yates? I mean
4 what struck you about that when you saw that?

5 A Well, it was surprising that the total had gotten
6 to that, and it was also--it was disappointing to me that
7 I had not followed that more closely, that I did not get
8 into that. I was very irritated at myself at how that could
9 be.

10 I did know that McCrae was doing a lot of things
11 for us besides just the absentee ballots. I did know that
12 there were a lot of things going on down in Bladen County.
13 I know they had the Beast Fest we talked about before, that
14 we would go down for their festivals each year in October
15 There was the Peanut Festival that we--there were parades
16 and everything that he was planning.

17 There was no--probably no county covered in signs
18 like Bladen County, and even Robeson and Cumberland, of our
19 signs getting out, and I know McCrae was doing a lot of
20 that. So I mean I tried to reconcile with myself that
21 perhaps a lot of that was for many of the other things that
22 were going on, but again, I was surprised by it.

23 Q And we had talked about--you had talked about,
24 when we spoke in January, that McCrae did more than just the
25 absentee program. That he did--he did put out signs. He

1 helped with festivals, as you said.

2 There were things that he did, but clearly the
3 bulk of what you were paying him for--and if I'm saying this
4 wrong, please tell me--was the absentee ballot program.

5 A Correct.

6 Q So the bulk of that was for that program. The
7 other things that he was paid for--I mean does it still
8 surprise you that it added up to well over \$100,000? And
9 I think that is more than any person that worked on your
10 campaign.

11 A Oh, I'm sure. But again, keep in mind, probably,
12 if I did the math, and I haven't done it, but if I take
13 \$1,600 which was probably--or 1,200 over about, what, nine
14 months, 11 months of it, or 10 months of it, and then, so
15 there was probably 25,000 to 30,000 tops that would have
16 been actually salary to him, which would have been less, if
17 you will, than maybe what some of our other folks were being
18 paid.

19 But then the \$70,000, if you will, with a round
20 number of 100, the 70,000 and expense, expenses that were
21 being paid for the workers and for all those other things,
22 yes, I thought--when I saw that number, I was surprised.

23 Q And I know that--and we talked about this, and I
24 think you've heard it with other people that have testified.
25 McCrae likes to use the phone. He called people a lot.

1 A Frequently.

2 Q Yeah, I think you were one of the recipients of
3 a lot of those phone calls.

4 A Yes, ma'am.

5 Q And so did those things ever come up, those
6 conversations about funding of the program in any of your
7 conversations?

8 A They really didn't. I mean he dealt with Andy
9 directly on the business end of that. As Andy testified
10 yesterday, he would make trips up to Huntersville to Andy's
11 office.

12 So I was not--I mean we were out on the field
13 every day. We were keeping a very structured schedule that
14 would involve probably anywhere from four to six hours of
15 phone calls for fundraising aspect that I was doing on a
16 daily basis as well as knocking on doors in the afternoon.

17 And really one of the reasons we went into the
18 program was because if you looked at the district, the
19 district is most highly populated in Mecklenburg and Union
20 County. That's where the bulk of the voters, especially in
21 a primary, we knew were going to come from.

22 And so we were running the race, I mean just for
23 strategic purposes, I don't mind telling you, I was running
24 like I was running for county commissioner in Union County,
25 and so we were involved every day in everything that

1 somebody running for county commissioner in Union County
2 would have been involved in. From a breakfast to a group
3 meeting to anywhere we needed to go, that was where we were
4 involved.

5 And so once the program--he would call in and he'd
6 want to let me know, "Man, we're working down here."
7 "That's great, McCrae." But again, I was not keeping up
8 with the checks and the amount of money that was being spent
9 down there until I saw your figure here.

10 Normally at the end of election, you've got to
11 reassess everything and see what was spent, and that was--
12 we never got to that point. When things stopped on November
13 27th and we didn't get certification, we never got back into
14 that because after the election, there were two weeks; there
15 was a Thanksgiving week and on either end of Thanksgiving
16 week, I was attending new member orientation at the US House
17 of Representatives.

18 And so it was actually during that last week when
19 the decision was made, I was in Washington when that
20 decision came down on the 27th of November and was carried
21 till Friday, the 30th. And then we were coming home that
22 evening of the 30th when the Board said--the evidentiary
23 hearing board at that time, I should say.

24 CHAIRMAN CORDLE: Mr. Harris, you now know that
25 of those expenses of 70 or 80 thousand, whatever the number

1 is there, there is no backup for--I don't believe for any
2 of those.

3 DIRECTOR STRACH: That's what Mr. Yates
4 testified to.

5 THE WITNESS: That's correct.

6 CHAIRMAN CORDLE: And that was a surprise to
7 you, I take it.

8 THE WITNESS: Yes, sir. We had--the invoice
9 that Red Dome sent to me we had.

10 CHAIRMAN CORDLE: It had a figure on it.

11 THE WITNESS: That's right. It as a general
12 figure that would come as we would pay.

13 CHAIRMAN CORDLE: Did you know there was no
14 backup before Mr. Yates testified?

15 THE WITNESS: No.

16 CHAIRMAN CORDLE: Thank you.

17 MR. CARMON: If I may.

18 DIRECTOR STRACH: Sure.

19 MR. CARMON: Dr. Harris, your first
20 campaign, was it run this way?

21 THE WITNESS: In 2016?

22 MR. CARMON: In 2016 was there more
23 accountability than you had in this one?

24 THE WITNESS: In 2016 it was a very
25 different race, I will say, because it was so unique in that

1 it was nine weeks. It was very crammed in. I lost in the
2 primary, so it didn't go beyond that special election.

3 Basically I filed, I think it was on Good Friday,
4 there at the end of March, and then we had the election on
5 June 7th. So it was nine weeks of 2016 that it was held.

6 And so there--it was a much smaller structure at
7 that time. It was the first time I'd run for Congress in
8 the Ninth District, and we were still learning the district,
9 but I--to be honest, I had a turnkey consultant at that
10 time. I used a group called Victory Enterprises, and they
11 came with a consultant, came with a campaign manager, came
12 with everything, a finance person, and all that.

13 So, you know, it was--yes, it probably was more
14 contained.

15 MR. CARMON: Thank you.

16 CHAIRMAN CORDLE: Did you pay them a lump sum
17 payment?

18 THE WITNESS: We paid them out of the lump
19 sum--well, out of the budget we raised, we paid them a lump
20 sum every month or for their--Victory Enterprises, yes.

21 CHAIRMAN CORDLE: Thank you.

22 Q (By Director Strach) Dr. Harris, one of the
23 things that--Investigator Fleming and I have been on the
24 ground a lot in Bladen County over the last month and
25 talking to a lot of people, and one of the things that's

1 sort of a stark difference to me that I've been trying to
2 reconcile through all this is that when you talk to the
3 people that worked for McCrae Dowless--you heard from one
4 of them on Monday, and she's certainly not the only one--is
5 they talk about the two phases of the program the same way--
6 not the same way as Phase 2, but they talk about them both
7 having a different pay structure.

8 So they knew that for requests they got a certain
9 amount. They had to get a certain amount of requests, and
10 then they got a certain amount of pay such as the \$4 per
11 request. They got an amount, whether it was 50 for 175 or
12 150.

13 They also had a pay structure for Phase 2. So
14 they knew that they would only get paid if they collected
15 the ballot. So they had a certain number of ballots they
16 had to collect to get a certain amount.

17 Any explanation when--we've talked about how
18 McCrae Dowless was paid but only about those requests. So
19 there was only a pay structure for picking up the requests,
20 but the bulk of the money or a lot of the money that is
21 spent for McCrae that he gives is for the collection of the
22 ballot. And that's in no way accounted for in how you're
23 paying the program.

24 So I'm trying to reconcile if these individuals
25 are getting paid for that, obviously the money for that is

1 coming from Red Dome. It's--

2 A Billed to me.

3 Q --billed to you.

4 A Correct.

5 Q How was that not caught in the process? Because
6 it's a whole 'nother phase, and I say that because even if
7 Mr. Yates or anyone on your campaign is looking at the Board
8 of Elections site, because a lot of our data is public. So
9 you can see the requests that come in, and if he's telling
10 you how many he has, it's still not--it's still going to be
11 way under the amount that this whole collection process is.

12 So what was your understanding of the intense part
13 of the program of Phase 2, of going back and talking to the
14 individuals, helping and witnessing? Did you not think that
15 the workers got paid for that part of it?

16 A I had no knowledge at that point of what people
17 were being paid other than that McCrae was simply turning
18 in an expense report. I thought it would have been an
19 expense report to Mr. Yates who was then reimbursing him.

20 But I did not know what the structure would be.
21 I would assume it would--again, it was an assumption--would
22 have been very similar to what the request form would have
23 been; simply when that person got it mailed in, because as
24 you said, once a ballot has come in, you know, all these
25 records are public; that they had been received, and that

1 would be perhaps a way that he would do it if he were paying
2 them on the back side of it, but I--again, I did not get
3 involved in that aspect of the program.

4 CHAIRMAN CORDLE: Ms. Strach, if you're at a
5 nice place to stop for a minute, we'll take--

6 DIRECTOR STRACH: That'd be great.

7 CHAIRMAN CORDLE: --take our break now. Be back
8 at 11:35 please.

9 (Whereupon, a brief recess was taken
10 from 11:23 a.m. to 11:45 a.m.)

11 CHAIRMAN CORDLE: If we may come back to order
12 please. We've had some more legal matters and have been
13 waiting on a document that's being transferred here. But
14 I think you may go ahead, Ms. Strach.

15 DIRECT EXAMINATION BY DIRECTOR STRACH (resumed):

16 Q Dr. Harris, the e-mails that your son sent you
17 about his concerns about Mr. Dowless, did you ever discuss
18 those specific concerns with Mr. Dowless?

19 A From my son?

20 Q Right.

21 A You mean saying, "My son's concerned about this"?

22 Q Like "My son's concerned that your ballots are
23 being batched." I mean, you know, did you ever express some
24 concern to him about "there are concerns about the fact that
25 these ballots are showing up batched." Did you ever say

1 that or anything like--

2 A Never. Never would have talked to him or never
3 would have used that term to say that they're showing up
4 batched or anything like that.

5 Q Or maybe your son was concerned about some way
6 that these ballots are coming back to the Board of
7 Elections. Did you ever have--

8 A Well, again, no, I did not. Early on, obviously,
9 when we were in the process and he was describing the
10 program and then John raised those concerns again, again I
11 emphasized to him, you know, that--I would emphasize to John
12 that I was trying to get him involved in the program.

13 And again, Andy mentioned yesterday, I think, Andy
14 Yates, that he had emphasized to him, you know, "Make sure
15 your workers, you know, know what the rules are and are
16 following those rules."

17 Q Right.

18 A But I never expressed a concern of ballots coming
19 in batched.

20 Q And I understand from things from interviews and
21 from testimony, that McCrae's not really a whiz at
22 computers, and so e-mail is probably not his preferred
23 method of communication, but did you ever provide him John's
24 e-mail where he's actually explaining why he thought Mr.
25 Dowless could be collecting ballots? Did you ever provide

1 that to Mr. Dowless?

2 A No. I never asked him to send any explanation to
3 John. I did not.

4 Q I wanted to see if you could look back at the
5 exhibits of the two checks for Patriots for Progress.

6 A Yes, ma'am, I see them.

7 Q And on the first one, the check--and you wouldn't
8 know about this because--but the check is endorsed by--that
9 name, I think, is Jeff Smith. Does that name ring a bell
10 to you?

11 A Yes, I do know Jeff Smith.

12 Q Did you know at the time that--or at any time
13 after, that Jeff Smith was connected to Patriots for
14 Progress?

15 A I did not. I met Jeff one time early on in the
16 process when I was in Bladen County, and at that particular
17 time, McCrae had a office space next door in sort of a
18 shopping center strip, if you will, that Jeff, I think,
19 owned or at least owned the place next to it, some of the
20 spots, and McCrae rented from him.

21 And I just--we dropped off some campaign material,
22 bumper stickers one day to McCrae, and he introduced me to
23 Jeff Smith who was doing some renovation on a restaurant or
24 a bar there next door, and that was the only time I ever met
25 Jeff Smith.

1 Q So at the early part of your campaign in 2017 when
2 these checks were written and Mr. Dowless was engaged to
3 begin working on your campaign, at that point I guess it
4 would've been going out and getting the requests.

5 A Correct, in July.

6 Q Did you know if Mr. Dowless was working with Jeff
7 Smith?

8 A I do not know of that. I did understand later
9 that he had a falling out with Jeff Smith. I believe there
10 was a lot of concern over the sheriff's race down there with
11 Jeff Smith. Sheriff McVicker had been involved, as I
12 understood it, in shutting down one of his gambling houses
13 or whatever, and he was determined to defeat Sheriff
14 McVicker. And it was my understanding at that point McCrae
15 moved out of his office space.

16 DIRECTOR STRACH: I'm going to hand you a
17 document that's already been introduced in the hearing.

18 MR. LAWSON: It's 14.

19 Q So, Dr. Harris, Sandra Dowless, one of the ex-
20 wives of Mr. Dowless, testified earlier in the week that she
21 was present at a meeting at Mr. Dowless's home when that
22 note was left there.

23 And according to her testimony, that note was Jeff
24 Smith's note. This would've been--I think it was around
25 April 8th of 2018. Did Mr. Dowless ever talk to you about

1 the falling out and the divide, of when the two parts--the
2 Jeff Smith faction of the sheriff's race went, I guess, for
3 Billy Ward. He was for Mr. McVicker. Did he ever talk
4 about that meeting where that note was left?

5 A He said to me that--and my recollection of what
6 I had heard was a bit different than Sandra had shared the
7 other day in her testimony. I understood that he was at a
8 meeting at some point, not at his house, but that the
9 discussions went on along these lines.

10 And when he heard that, that he got up, and
11 anybody that was with him, and left the meeting. That's why
12 I was a little bit confused when I heard her--I did hear
13 about this. I'd never seen it until it was introduced as
14 evidence, but I'd heard that there was a note that he had
15 left, but I--it's my understanding that McCrae left the
16 meeting, wherever this meeting was.

17 Then when she testified it was at his house, he
18 couldn't very well have got up and left, you know, everybody
19 else at his house.

20 Q Well, do you recall--let's talk about that and
21 what he--what McCrae--so McCrae conveyed to you, you know,
22 information about what appears to be the same meeting or
23 maybe a different meeting, but a meeting in which the
24 information on that piece of paper of collecting unsealed
25 ballots--is that what he was conveying to you was why he

1 left?

2 A Yes, that they were going to go around and pick
3 up ballots, and that was, you know--

4 Q Did he tell you why he was at the meeting in the
5 first place?

6 A No.

7 Q Did he tell you where that meeting was being held?

8 A No. I mean he was just at a meeting with a group
9 of people is all that was described to me, and that he
10 wasn't going to participate.

11 Q And did he say who was leading the meeting to
12 collect the unsealed ballots?

13 A Jeff Smith.

14 Q Jeff Smith.

15 A Yes, he did identify that, that he left the
16 meeting.

17 Q And did he tell you that at the time or was
18 that--there's been some media articles that have focused on
19 that. Did he tell you after the fact, after some of those
20 media articles came out?

21 A I honestly can't recall. I would be speculating
22 when I heard about this note. But so I'm really not
23 certain.

24 DR. ANDERSON: Can I just--

25 DIRECTOR STRACH: Sure.

1 DR. ANDERSON: --clarify really quickly.

2 When we say "He left the meeting," who left?

3 THE WITNESS: Well, it was my understanding
4 McCrae left, and that's the reason I said I was a little
5 confused with the testimony yesterday because I was hearing
6 that it was at his house, and he couldn't have left his
7 house.

8 DR. ANDERSON: And when you just mentioned
9 Jeff Smith leaving--

10 THE WITNESS: No, no, no. That Jeff
11 Smith--

12 DR. ANDERSON: Left this note.

13 THE WITNESS: --left the note. Not left the
14 house, but left the note.

15 DR. ANDERSON: I just wanted to keep the
16 individuals straight.

17 THE WITNESS: Sure.

18 Q So you were aware of the note based on--or were
19 you aware of the note based on Mr. Dowless's description of
20 the meeting that he left?

21 A I was aware of what they were going to do, but
22 again, I was not aware of the note.

23 Q Right.

24 A I hadn't seen the note.

25 Q So Mr. Dowless didn't tell you he saw a note--

1 A No.

2 Q --that had that. He never talked about an
3 insurance policy, as Ms. Dowless talked about.

4 A I heard that in the testimony.

5 DIRECTOR STRACH: Could we look at Exhibit 26?

6 CHAIRMAN CORDLE: That's the check log and
7 checks.

8 DIRECTOR STRACH: Yes.

9 CHAIRMAN CORDLE: Check log.

10 Q Dr. Harris, I just bring this up just because you
11 mentioned a person that's named in this. The first part is
12 the check log which was introduced with Mr. Yates's
13 testimony. Those are all the checks that Red Dome wrote to
14 Mr. Dowless.

15 And then the next page should begin with the first
16 check on that list which is a check in the amount of \$400,
17 and I just wanted to draw your attention to the endorsements
18 on the back of that check.

19 And I know it's redacted so you can't--it's not
20 a great signature to be able to see, but under McCrae
21 Dowless's name is Ray Britt. Do you know why McCrae Dowless
22 may be endorsing this check over to Ray Britt?

23 A No idea.

24 Q He never discussed that.

25 A He never discussed that. I just honestly don't

1 know.

2 Q That's fine.

3 A It'd be pure speculation.

4 Q That's fine.

5 CHAIRMAN CORDLE: I believe the checks are
6 actually Exhibit 27, by the way.

7 DIRECTOR STRACH: 27?

8 MR. LAWSON: 26 is the log. 27 is--

9 DIRECTOR STRACH: 26, right, and 27 is the
10 actual checks.

11 Q So after November 27th and maybe before--let's
12 just say after November 27th, did Mr. Dowless reach out to
13 you?

14 A He did.

15 Q And what did he say when he reached out to you?

16 A Well, I was in Washington actually at that time.
17 I had no conversation with him once I returned from the
18 second week of orientation, and you know, he said, "This is
19 a wrong--this is a setup. I mean that was his thing; that
20 this was a setup.

21 Q And did he explain to you how it could be a setup?

22 A I didn't have a lot of conversation because I
23 didn't have a lot of time with him, and he said, "But the
24 truth will win out, and this is just a setup." I mean that
25 was his--that was his thing.

1 Q And during that conversation did you ask him--
2 "They're basically accusing your program of being illegal."
3 Did you ask him, "Did you collect ballots or was there any
4 part of your program that was not compliant with North
5 Carolina law?"

6 A At the point of my conversations with him, I--
7 again, we had been wrapped up in orientation things. I had
8 not followed the news, and it was really after that time
9 that I found out exactly what was being said and that he was
10 going to somehow be at the center of the investigation.

11 I had no contact with anybody--with McCrae after
12 December 3rd, which was the day that my attorneys connected
13 with me that we had been subpoenaed, documents. So I don't
14 remember talking to him after December 3rd.

15 Q And so after learning that he was going to be at
16 the center of it which was the reason why this investigation
17 was going on, you didn't reach out to him because of the
18 subpoena.

19 A Correct.

20 Q Did he reach out to you?

21 A I don't recall if I had any missed calls after
22 that time or not, but it was very clear I was not calling
23 him back if he did.

24 Q And since December 3rd, have you had any contact;
25 I mean I know he was here, so I'm sure you might have spoken

1 to him, but other than--

2 A We didn't even connect here. He would sit at the
3 back and I was up here.

4 Q So you've not had any contact with Mr. Dowless.

5 A No.

6 Q That's fine. So, Dr. Harris, I know hindsight is
7 20/20 and you've heard a lot of testimony at this hearing,
8 I think, that you very well may not have known about or
9 maybe things that you just didn't put together, but after
10 hearing all the testimony and you look back, were there
11 things that now would have been red flags to you?

12 Was there anything that--knowing what you know,
13 hearing what you've heard, are there things that would've
14 been red flags to you?

15 A Well, obviously knowing what I know now and
16 hearing what I've heard, if indeed all of the testimony that
17 we have heard throughout this week--and I have no reason to
18 not believe what I've heard--yes. I mean it's very
19 concerning, and I would have obviously never gotten into
20 this point.

21 Q And so one of the things that your son said
22 yesterday--and he said a lot of good things, but one of the
23 things that really stick with me last night is he said when
24 asked about whether or not he thought you and your wife knew
25 that McCrae Dowless was collecting ballots, your son said,

1 no, he didn't think that.

2 A Correct.

3 Q But he said--your son said, "I think McCrae
4 Dowless lied to them over and over and over." And my
5 question for you is do you believe that?

6 A Based on the testimony I have heard this week,
7 absolutely.

8 DIRECTOR STRACH: I have no other questions.

9 MR. CARMON: I have one, Mr. Chairman.

10 CHAIRMAN CORDLE: Go ahead.

11 MR. CARMON: Dr. Harris, you were here when
12 Lisa Britt testified.

13 THE WITNESS: Yes.

14 MR. CARMON: Did it strike you strange that
15 the issues that she said Mr. Dowless told her to make sure
16 she didn't do all lined up with the issues that your son
17 said he saw in the program?

18 THE WITNESS: Clarify that, if you would.

19 MR. CARMON: Okay. She said that Mr.
20 Dowless told her to make sure you didn't send more than nine
21 ballot requests in at once. She said Mr. Dowless told her
22 to make sure you do not send them from a post office that's
23 not near their house or apartment.

24 And when asked why was that, she said, "Because
25 he said it would raise a red flag." Does that strike you

1 strange that that's exactly what your son was talking about?

2 THE WITNESS: It doesn't strike me as
3 strange. It tells me that his question of them coming in
4 in batches was accurate.

5 MR. CARMON: Okay. Do you--and at no point
6 in time did you say to Mr. Yates that "I have concerns about
7 his last election with the"--you said you wouldn't have used
8 "batches." Did you have any conversation about his process
9 may be a little under the table or not on the up and up?

10 THE WITNESS: After which election?

11 MR. CARMON: I'm sorry. When you hired Mr.
12 Yates--

13 THE WITNESS: Yes.

14 MR. CARMON: --you had already contracted
15 with Mr. Dowless. Did you say anything to Mr. Yates that
16 "I want you to check this guy; that I want you to keep a
17 close eye on this guy" or that "I want you to see if his
18 program is legitimate"?

19 THE WITNESS: Yes, I did. I did not--I did
20 not use the exact terminology, except your last statement;
21 I did say, "I want you to check this guy out, make sure that
22 everything's legit, and that--let him describe to you"--and
23 in fact, you know, I was impressed enough with the program
24 that back in Charlotte at First Baptist Church I had a man
25 that was wanting to run for city council.

1 And he didn't have any money hardly, and so he was
2 going to have to do a grassroots campaign. His name was
3 Pete Givens, and my wife was helping Pete, and I even
4 suggested to Pete that he needed to meet McCrae.

5 And on May 5th when we went down--when I went to
6 Bladen County, I attended an event called "Bladen We Care,"
7 and when I went to that event, that's the first time Beth
8 had met McCrae, and Pete Givens went with us.

9 And Pete Givens heard him lay out what his program
10 was, and Pete Givens, unbeknownst to me, weeks later would
11 actually bring McCrae Dowless to Charlotte and meet with the
12 director of the Board of Elections in Mecklenburg County and
13 ask him to describe his program to him, and which he did.
14 And Michael Dickerson, I read in a newspaper article,
15 recalled that meeting.

16 And so, again, I told Andy to meet with him, and
17 when he met with him and interviewed him and talked to him,
18 "just make sure--see what you think about the program that
19 he's doing." And again, Andy came back and said, "It all
20 seems good to me."

21 MR. CARMON: So, Dr. Harris, you were here
22 when Mr. Yates testified.

23 THE WITNESS: I was.

24 MR. CARMON: I don't recall him saying that
25 there was any instructions for him to check this guy out,

1 and if my recollection is correct, he said that you told him
2 that he had a minor criminal conviction and "this guy has
3 a really good program."

4 THE WITNESS: Uh-huh (affirmative).

5 MR. CARMON: And if my recollection is
6 correct, Mr. Yates said he talked to him about the program,
7 but he had no inclination from you or your son that he
8 should do any background check or dig into his program at
9 all.

10 THE WITNESS: That is correct. I did not
11 ask him to do a background check. I was grateful that he
12 did a cursory check. It didn't show up what--obviously, the
13 full slate of things. I wouldn't learn about until post
14 November 27th of the felony conviction, but Andy did do that
15 cursory one that did show up those three misdemeanors, he
16 said.

17 MR. CARMON: So you did ask him to take a
18 look into the program.

19 THE WITNESS: Yes, I did ask him to talk to
20 McCrae and find out--let him describe to him what he does,
21 and Andy came back and said to me--and I believe it was in
22 a meeting of the group, Campaign Manager Jason Williams,
23 and others would have been there--that this is a good
24 program and it can work.

25 MR. CARMON: Maybe I'm not asking the

1 correct question. Did you express any concern about the
2 program that you wanted Andy to verify that it was
3 legitimate?

4 THE WITNESS: I wanted Andy to learn about
5 the program, and Andy was aware that this was the program
6 that Todd Johnson had in 2016, the election that we lost.
7 And so I don't recall specifically saying "check out that
8 aspect." "I want you to hear the program and you tell me
9 from your experience in all the elections that he's worked
10 in if this is a good program."

11 MR. CARMON: Thank you.

12 CHAIRMAN CORDLE: You had another question?

13 DIRECTOR STRACH: Just two short ones.

14 Q (By Director Strach) One, Dr. Harris, the two
15 checks you wrote to Patriots for Progress, were those checks
16 given to your--who is your treasurer for your--

17 A My treasurer actually is Lyerly, Robert Lyerly,
18 who is an attorney and a CPA with Nexsen Pruet in Charlotte,
19 and he's our treasurer. Kelly Tain was our finance
20 director, and she would typically prepare documents and then
21 send those--send them to Robert, and he would sign off on
22 them, and they would be filed.

23 Q And were those checks provided to your treasurer?

24 A No. Those were personal checks that I wrote to
25 Patriots for Progress prior to the formation of the

1 Committee, and so no. They came from me, and I never asked
2 to be reimbursed by the campaign.

3 Q But it was to retain McCrae Dowless for services
4 that would be paid--would be utilized by--

5 A Right. It was to get a commitment from him.

6 Q And then I just want to make sure we--we've got
7 one document that sort of substantiates the story that you
8 were telling about how your meeting on April 6 was set up.

9 MR. LAWSON: 61.

10 DIRECTOR STRACH: 61. This is one of the e-
11 mails we were text--we received last night.

12 (Whereupon, Exhibit No. 61
13 was marked for identification.)

14 Q Dr. Harris, is this one of those communications
15 you had with Marion Warren to try to set up the meeting with
16 McCrae Dowless?

17 A Yes, it is.

18 Q So this would have been around the time period--
19 you said around March--that you were trying to set that up.

20 A Right. He had contacted me, as you can tell in
21 the first paragraph, about House Bill 186, I think it was,
22 and then I--I then said to him, "On the other issue of your
23 gracious offer to meet me in Bladen County and spend a day
24 connecting me to the key people that can help me carry that
25 part of the county in a future US House NC-9 race, I wanted

1 to see if you'd be able spend the day on Friday, March 25th,
2 with me down there.

3 "You know the political, financial connections
4 better than anyone else I would know," and so on. But, yes,
5 that was--and he said--his response to that was "Shoot me
6 some dates." And it ended up being April 6th before
7 anything came together.

8 Q And do you know if Marion Warren--correct me if
9 I'm wrong, but I think Marion Warren had been a judge down
10 in the Bladen County area.

11 A That is correct. He was a superior court judge,
12 and if I'm correct, his district included--I think he lived
13 in Brunswick, but I think his district included Bladen, if
14 I'm correct.

15 Q Did he ever tell you whether or not he utilized
16 McCrae Dowless for his absentee ballot program?

17 A He did not.

18 Q So his recommendation to you was not based on
19 personal experience using him as someone helping on the
20 campaign.

21 A No. Well, I don't know that. I mean he just said
22 that he's a guy that does it right, and he said he's just
23 a good old boy from Bladen County who eats, sleeps, drinks,
24 and lives politics, and loves politics, and Todd Johnson--
25 he would do anything if he had been able to connect me with

1 McCrae before he got connected with Todd Johnson, because
2 again, I lost by 134 votes.

3 Q Did he connect Todd Johnson with McCrae Dowless?

4 A I can't speak to that. That'd be pure
5 speculation.

6 Q You just don't know.

7 A I never asked him and I wouldn't think so, but I
8 don't know that for certain.

9 DIRECTOR STRACH: Okay. Thank you.

10 CHAIRMAN CORDLE: Go ahead.

11 DR. ANDERSON: Dr. Harris, you were just
12 describing that following the November 27th board decision
13 to delay certification, that Mr. Dowless reached you; you
14 were in D.C.--

15 THE WITNESS: Yes, ma'am.

16 DR. ANDERSON: --and said something to the
17 effect of--your recollection evidently was that "Don't
18 worry; this is a," quote, "quote setup," or something to
19 that effect.

20 I did recall from yesterday that your son
21 testified that around that same time following learning that
22 the Board wasn't going to certify on November 27th, you
23 know, he's urging you to, you know, get the reasons.

24 And his impression, at least based on my notes,
25 from what he stated yesterday, was that it seems that you

1 believed it was a, quote, "political hit job." So I'd like
2 to know why your son would have that impression and if that
3 might be tied to Dowless's claim of a setup.

4 THE WITNESS: I don't know that for certain.
5 When John said that--that we had said it could be a
6 political hit job, it may have been based on the fact that
7 Mr. Dowless had told us immediately after that it was a
8 setup. I don't recall who else I talked to that day.

9 We didn't find out--that happened on Tuesday, the
10 27th, and I do specifically remember that it was about 4:00
11 or 5:00 in the afternoon when John, my son, sent me a text,
12 and it had an article about they were withholding--or
13 maintaining jurisdiction, I think was the word that was
14 used, on the Ninth Congressional District race.

15 They had pulled it from the list to be certified
16 and were maintaining jurisdiction just until Friday, or at
17 least until Friday, I should say, the 30th, and they were
18 going to have a follow-up meeting.

19 And so in the midst of that is when--I knew
20 nothing until I saw that later in the afternoon, and I can't
21 even tell you for certain what day it was or when it was in
22 those next couple of days that he called and said--or
23 reached out and said that this is--that McCrae said that
24 this is a setup.

25 And as I recall, it was in between that Tuesday

1 and that Friday, that the North Carolina Democratic Party
2 presented the first of five or six affidavits that were made
3 public and--immediately following, if I'm right in my
4 recollection, and that's what gave it the sense that maybe
5 this is politically driven.

6 DR. ANDERSON: So you accepted Mr. Dowless's
7 frame, and by "frame," I mean the way he characterized the
8 reason or the cause for the refusal to certify as political
9 in nature, simply political in nature.

10 THE WITNESS: At that particular point I
11 knew nothing of what was happening, and I knew nothing--I
12 didn't know if he was the center of investigation. I didn't
13 know anything at that point. That was just his--

14 DR. ANDERSON: Yeah, but then he turned out
15 to be the center of the investigation.

16 THE WITNESS: He did. He did.

17 DR. ANDERSON: Do you think differently about
18 his interest in characterizing it simply as a setup?

19 THE WITNESS: I do feel different about that
20 interest.

21 DR. ANDERSON: Do you recall him saying to
22 you--mentioning the names Jens Lutz or Joshua Malcolm as
23 part of this setup?

24 THE WITNESS: I do not recall him saying
25 anything. I don't recall hearing the name Jens Lutz until

1 me reading media reports a period of time later, I think
2 when he resigned as board chairman of the Bladen County
3 Board of Elections.

4 So he didn't mention that name to me, and again,
5 as I recall, it was a very brief conversation. It was not
6 like the typical calls when he was just chatty, as they said
7 the other day, because I was very, very busy in Washington.
8 I mean they had our schedule structured from 6:00 in the
9 morning until about 10:30 at night. And so this was a quick
10 call in between, that I recall.

11 DR. ANDERSON: Okay. On a slightly different
12 issue, you just mentioned him calling frequently, quite
13 chatty. If Yates was supervising him, as you say you
14 believed, a reasonable belief, why do you think he was
15 calling you all the time?

16 THE WITNESS: Because that's the nature--
17 well, truthfully that's probably the nature of McCrae, and
18 it was the nature of me to talk. I'm one of those people
19 that if you call me, I'm going to return your call, and it
20 doesn't matter; at some point as soon as I get an
21 opportunity, I'm going to. And he--

22 DR. ANDERSON: So I'm assuming he was giving
23 you updates?

24 THE WITNESS: They were--it was more or less
25 to say, "Man, we're working hard down here." I mean a lot

1 of times it wasn't specific updates and may say "We've got
2 some signs up over in this area," or "When are we getting
3 more signs in?"

4 A lot of times he was calling and asking for
5 material, whether it be--and again, that was his nature;
6 that he felt like he could call me, even as the candidate,
7 and it was my nature as the candidate--I think anybody who
8 knows me knows that I return all my calls. I even do my
9 best to return texts. Every text that you send me, I'm
10 going to try to respond to it.

11 So, you know, as a minister for 30 years, in some
12 ways I felt like I became almost a ministerial figure, a
13 pastoral figure to all of our staff. Any of our staff felt
14 like they could call me any time. So I think that was the
15 nature of it.

16 CHAIRMAN CORDLE: Well, Dr. Harris, you now know
17 that this investigation was not a setup, do you not, sir?

18 THE WITNESS: I understand, based on what
19 we've seen and heard through these four days.

20 CHAIRMAN CORDLE: Do you also understand this
21 investigation came from the staff of the State Board rather
22 than from State Board members?

23 THE WITNESS: I understand. But please
24 understand that the initial information that came out was
25 that that Tuesday--that the vice chairman at that particular

1 time, Mr. Malcolm, pulled--made the motion to pull that--

2 CHAIRMAN CORDLE: Right.

3 THE WITNESS: --and maintain jurisdiction
4 and made the statement that there had been things that had
5 been going on for years that "I could no longer turn a blind
6 eye to that has been turned over to DAs; it's been turned
7 over to US Attorneys, and nothing has gotten done." I still
8 remember that quote.

9 CHAIRMAN CORDLE: Do you know that today; that
10 that quote is essentially true, and nothing had--down there
11 in a lot of years when a lot of complaints had been made,
12 the State Board has had a lot of investigations there? The
13 State Board had put on open meetings down there to talk
14 about absentee ballots in the courthouse--

15 THE WITNESS: I understand.

16 CHAIRMAN CORDLE: --the US--the district
17 attorney there?

18 THE WITNESS: I understood a lot more after
19 I saw the Wednesday night before Christmas the document drop
20 that went back to the 2016 investigation, things that I read
21 there, as I read them, I thought how could I have not known
22 this? Why was this not public information? Why was this
23 not put out there that somebody--and these affidavits even
24 that were there, and it was actually January of 2018 when
25 that report was written, and yet I didn't actually see it

1 until Wednesday night before Christmas.

2 And the things that were said not only about the
3 Bladen Improvement PAC but about McCrae Dowless and
4 everything else, that was the first knowledge that I would
5 have of all of those details of that investigation.

6 CHAIRMAN CORDLE: Now, your son John testified
7 yesterday.

8 THE WITNESS: Yes, sir.

9 CHAIRMAN CORDLE: Were you informed by anyone
10 prior to his testimony that he was going to testify?

11 THE WITNESS: I found out at 11 o'clock
12 Saturday--or Friday night--not Friday night, I'm sorry--11
13 o'clock the night before, when my younger son--I was just
14 talking to him in the evening, and I mentioned in passing
15 to him, I said, "By the way," I said, "in the room that
16 we're in I've seen your brother walking down the sidewalk
17 each morning."

18 And I said, "I guess he's been coming in somewhere
19 and maybe there's a lawyers room in the State Bar that he's
20 been in, but we haven't been able to see him or say anything
21 to him, but I have observed him." And I did; I observed him
22 twice coming down there.

23 And he paused for a moment, and he said, "I don't
24 know if I should tell you, but I don't want you to be
25 shocked." And he said, "John has been subpoenaed by the

1 State Board and would be testifying in this hearing."

2 And that was the first I had ever heard that he
3 was going to be here. I didn't know when; I didn't know
4 what, but it was the night before he testified at 11
5 o'clock.

6 CHAIRMAN CORDLE: Did you know at that time that
7 the e-mails between you and John had not been produced?

8 THE WITNESS: I did not. It was my
9 understanding--we talked about those e-mails earlier; myself
10 and Mr. Freedman had spoken of those e-mails back in
11 December, and it was my understanding that, I mean, that the
12 documents were all going to be produced.

13 CHAIRMAN CORDLE: Thank you, sir.

14 DR. ANDERSON: I just have a quick question.
15 It does relate to the e-mail exchanges that, you know, came
16 out and were talked about yesterday between you and your son
17 John.

18 THE WITNESS: Yes, ma'am.

19 DR. ANDERSON: And I believe it's Exhibit 54,
20 which I don't know if you have there in front of you, that
21 specific--

22 THE WITNESS: I know I have 55 which is his
23 e-mail that I was given earlier.

24 DR. ANDERSON: Okay. This one is the one
25 that's dated November 15th, 2016, 9:37 p.m.

1 CHAIRMAN CORDLE: Let me give him a copy.

2 DR. ANDERSON: Okay.

3 CHAIRMAN CORDLE: The original exhibit.

4 DR. ANDERSON: Okay.

5 (Document handed to the witness.)

6 DR. ANDERSON: So that's the one that the
7 subject is "Urgent: Democrat Voting Fraud Scheme Uncovered."
8 Is that the one you've got?

9 THE WITNESS: Yes.

10 DR. ANDERSON: That's specific one I want to
11 ask--

12 THE WITNESS: The mass e-mail that was sent
13 out--

14 DR. ANDERSON: Yes, right, right, and the one
15 that he forwarded to you and said, "Preaching to the choir."
16 And I would like for you to address your response because
17 I believe yesterday John testified that in fact your
18 response identifying Dowless; albeit, misspelled, but was
19 a quite negative characterization of him.

20 That you said "Interestingly enough, the guy who
21 made the claim, Dowless, is the same guy that Johnson paid
22 to run the," and this is in quotes, "`absentee ballot
23 program,'" end quote, "for him," an exclamation mark.

24 Then there's the, you know, "Maybe he didn't like
25 the Dems cutting into his business, or as Mom," which I take

1 to mean Ms. Harris, "said," and he thought, John thought it
2 might have been a typo, instead of "You can shoot bull to
3 a bullshooter," it probably meant "can't."

4 That is a very negative reference to Dowless, and
5 can you speak to how on November 15th you knew that this
6 Bladen County issue tied back to Dowless?

7 THE WITNESS: Well, I only knew, based on
8 the e-mail that Russell had sent out here and that John had
9 forwarded to me; I had not--obviously not seen it, and John
10 forwarded it to me.

11 And again, the name McCrae Dowless had been
12 mentioned to me in late June of 2016 following our recount
13 by Marion Warren. So I knew the name, and at this point I'd
14 never met him. I didn't know anything about what he did.

15 And to be honest, I was probably just bitterness
16 from having lost the primary election by 134 votes, and the
17 guy had gotten 221 absentee ballots in Bladen County. And
18 so that was my response to him.

19 And then I went on and added that maybe he didn't
20 like the Dems cutting into his business if he was somehow
21 attacking them. So that's all I knew at that point was my
22 response to that.

23 DR. ANDERSON: And I guess the reason I ask
24 is it seems like quite a turnaround in attitude towards Mr.
25 Dowless between almost the end of the year 2016 and coming

1 to then meet with him and want to retain him in--three or
2 four months later.

3 THE WITNESS: I mean again, I can only
4 explain what I wrote here and that I was very obviously
5 bitter and frustrated on November 15th, and then again, as
6 I described earlier, the meeting that we held on April 6th
7 there was the first time that I would ever actually meet
8 him.

9 MR. CARMON: If I may follow up, "Guess he
10 didn't like the Dems cutting into his business," so the
11 absentee ballot program that he had was a business for him,
12 or would you--

13 THE WITNESS: Yes, sir. I would say yes.

14 MR. CARMON: And again, your understanding
15 of the business was the legal part that he disclosed to you.

16 THE WITNESS: Correct.

17 MR. CARMON: Thank you.

18 MR. LAWSON: Mr. Chairman, follow-up--

19 THE WITNESS: I don't think he was driven
20 by ideology.

21 MR. LAWSON: --a follow-up based on
22 testimony in answers to your questions.

23 CHAIRMAN CORDLE: Yes, sir.

24 MR. LAWSON: Sir, you testified that you
25 became aware on Tuesday night from one of your other sons

1 that John may be subpoenaed yesterday; is that right?

2 THE WITNESS: That he had been subpoenaed.
3 John had shared he had been subpoenaed, and that was why I
4 guess we had--he was telling me, "That's why you've seen him
5 walking down the sidewalk every day," when I've been out
6 there at the room you reserved for us.

7 MR. LAWSON: Right. And so did you prepare
8 to testify about the e-mails that your son addressed
9 yesterday?

10 THE WITNESS: I had been obviously planning
11 as I gave you my--during my investigative visit, whatever
12 questions came up I was prepared to answer, and conversation
13 in 2016 as well.

14 MR. LAWSON: And if I understand your
15 testimony correctly, you believed that the e-mails had been
16 turned over--

17 THE WITNESS: Correct.

18 MR. LAWSON: --in this process.

19 THE WITNESS: That they were going to be
20 part of the document delivery.

21 MR. LAWSON: Going to be, future, after
22 Tuesday, or that they had been--

23 THE WITNESS: No, no, no. Again, I had met
24 with the attorney, Mr. Freedman, and we had talked about the
25 e-mail when they had done document preparation, and again,

1 it was just part of everything, so there was no need for it
2 to not be submitted.

3 MR. LAWSON: So did you believe that those
4 e-mails were part of the evidence in this case?

5 THE WITNESS: I thought they were part
6 of--I thought they were part of the documents that would be
7 discussed in this case.

8 MR. LAWSON: Did you tell anyone throughout
9 this past week that you believed that those documents were
10 not part of the evidence in this case?

11 THE WITNESS: Did I tell anybody--excuse me.
12 Clarify the question again.

13 MR. LAWSON: Did you use any words or
14 phrasing similar to express the sentiment that you believed
15 that those documents, those e-mails that your son spoke of
16 yesterday were not part of the evidence in this case over
17 the past week?

18 THE WITNESS: I would hear that they were
19 not going--that they had not been submitted during this
20 week, in just the last couple of days, and so that was the
21 first day that I realized.

22 MR. LAWSON: I understand that, and I'm
23 only trying to get a kind of yes or no on that question that
24 I asked.

25 THE WITNESS: I don't recall specifically

1 saying that. I'm not denying that I could've said that, but
2 I--just this week, I don't recall.

3 MR. LAWSON: Thank you, sir.

4 MR. CARMON: If I may, this is my last one,
5 I promise. And Dr. Harris, this is a painful question for
6 me to ask you.

7 Over the past few months you've stated openly,
8 regularly that no one had any concerns about what was going
9 on in Bladen County, that no one has told you anything to
10 raise a red flag, and that's me paraphrasing your
11 interviews. Is that what you meant to say?

12 THE WITNESS: I did in those interviews and
13 would continue to say. John, obviously, as was testified
14 yesterday, had concerns. I view John's e-mails and my
15 communication with my son as family conversation. I viewed
16 every conversation we had talking about politics to any
17 other issue that we talked about as family as being just
18 that, family conversation.

19 He issued to me in my date (sic) concerns that he
20 had about 2016 and he issued concerns about what he thought.
21 I knew John had never been down to Bladen County. I knew
22 John had never met other people down there.

23 And so, again, in weighing it out, I did not
24 consider John's to be a warning that this was a problem and
25 could be a real serious potential problem because I just

1 believed he was overreacting in his comments.

2 CHAIRMAN CORDLE: You didn't believe these e-
3 mails were an attempt to warn you that there were problems
4 in Bladen--

5 MR. ELIAS: I don't think the microphone's
6 on.

7 CHAIRMAN CORDLE: I'm sorry.

8 MR. LAWSON: It's on. It needs to be
9 closer.

10 MR. ELIAS: Oh. Sorry.

11 CHAIRMAN CORDLE: You didn't believe these e-
12 mails were an attempt by John to warn you of problems with
13 Mr. Dowless, problems in Bladen County, the way the absentee
14 ballot program was working?

15 THE WITNESS: I believed that they were
16 John's concerns. I did not take them--because, again, if
17 go back and look at the e-mail, just about every sentence
18 where he says this could happen, he would go back and say,
19 "But if it's done this way, then it's okay."

20 I mean if you go back and revisit his e-mail line
21 by line, no, sir, I didn't take it as a major warning that
22 "Danger ahead." As an attorney, he gave all sides in his
23 e-mail. I don't have it in front of me at the moment.

24 MR. CARMON: Dr. Harris, if I may, when I
25 read those e-mails, it was painfully clear to me that your

1 son was saying, "Daddy, don't mess with this guy." It's
2 painfully clear. When I read (pronounced as present tense)
3 those e-mails--when I read (pronounced as past tense) those
4 e-mails, when I think about those e-mails, he didn't just
5 state, "Stay away from this guy"; he said, "This goes left
6 instead of right; are you able to handle what's going to
7 come out in the media?"

8 That is beyond a red flag. That is a--to me, his
9 statement would have required you to do more due diligence
10 than think about it, praying about it, and relying on other
11 officials because that was your son.

12 I'm not talking about him in his capacity as an
13 attorney. That was your son with no ax to grind that wanted
14 to make sure you were protected. And in none of your
15 interviews have you ever said that we--"Yeah, there were
16 some concerns."

17 In your interviews it's been clear that there were
18 no concerns as to what was going on at Bladen County. And
19 when you read those e-mails today, you still say that there
20 were no concerns by you or no concerns by your campaign?

21 THE WITNESS: Obviously I read these e-mails
22 today in a very different, intellectual light than what I
23 read then when my 27 year old son who is a sharp attorney
24 and very smart--

25 MR. CARMON: Extremely sharp.

1 THE WITNESS: Extremely sharp, but I'm his
2 dad, and I know he's a little judgmental and has a little
3 taste of arrogance and some other things, and I'm very proud
4 of him; I love him with all of my heart, but this was a
5 father and a son, and weighing out, and in all truthfulness
6 today he was right.

7 I mean he--obviously he was right in that sense
8 of his concern that he should have had. But did I read it
9 as a warning or did I read it as the concerns that he was
10 putting out? I read it as the concerns that he was putting
11 out.

12 MR. CARMON: So I guess the question I just
13 have to ask that I did not want to ask. You just wanted to
14 win. Because when you said you were asked about your due
15 diligence, you said you thought about it, you prayed about
16 it, and you relied on the other officials.

17 You didn't take one step to see if the ballots had
18 been harvested previously. You didn't ask Dowless, "Are you
19 harvesting ballots?"

20 THE WITNESS: Well, he had made that clear,
21 that he was not in the program that he laid out.

22 MR. CARMON: In the program he laid out,
23 he told you what he was doing. You didn't ask him, "Are you
24 also doing these things?"

25 THE WITNESS: No, I did not ask that

1 specific question.

2 MR. CARMON: I have no further questions.

3 MR. LAWSON: Just--I apologize, sir. I
4 just want to give you one more opportunity to recollect
5 throughout the past week whether at any point you
6 communicated that you did not believe that the e-mails
7 presented by your son yesterday would be part of the
8 evidence in this case.

9 THE WITNESS: Again, I do not specifically
10 recall a specific instance of making that statement. I'm
11 open to being reminded of that, but I cannot.

12 MR. LAWSON: It certainly wasn't to me, so
13 I wouldn't be able to--

14 THE WITNESS: Okay.

15 CHAIRMAN CORDLE: State Board have any more
16 questions?

17 (No response)

18 CHAIRMAN CORDLE: Mr. Elias, you want to get
19 started? And we'll take a break for lunch.

20 MR. ELIAS: I was going to say. We'll
21 start at least.

22 CROSS-EXAMINATION BY MR. ELIAS: 12:35 p.m.

23 Q Good afternoon, Dr. Harris.

24 A Good afternoon, sir.

25 Q My name is Mark Elias. I'm the counsel for Dan

1 McCready.

2 A Yes, sir.

3 Q So I want to pick up where Mr. Lawson just ended
4 because, like him, I don't believe in ambushed witnesses,
5 so I want--you understand you're under oath.

6 A Yes, sir.

7 Q And when you say you don't specifically remember,
8 do you generally remember that you had that conversation?

9 A I cannot imagine and cannot remember with all the
10 information over the last four days that I would've made a
11 statement that the e-mails that John and I had communicated
12 with would not be a part of this.

13 Now, again, I will be very open to being reminded
14 if I did, but I just don't specifically recall.

15 Q That's why I'm giving you every opportunity.

16 A Sure.

17 Q Is this something you would've forgotten? Is that
18 the kind of statement that if you had made, you wouldn't
19 remember it? It would just be sort of by the by or would
20 that strike you as--

21 A Well, I had no reason to hide this e-mail. In
22 fact, it was my understanding it was going to be produced.
23 So I would've been more than happy to talk about in
24 conversation or discussion, you know, the 2016 race and my
25 son's concerns.

1 Q Okay. Let me switch topics. You mentioned a text
2 between you and your son on or around November 27th about
3 the Board's decision not to certify.

4 A Correct.

5 Q Do you make--

6 A It was an article. I'm sorry. He texted me an
7 article.

8 Q Let me first start with some discussion around
9 your practices. I take it you text.

10 A I do.

11 Q Do you delete your texts or do you keep your
12 texts?

13 A Most of the time I keep them. I can't remember
14 when I've deleted texts.

15 Q Have you deleted any texts since November 27,
16 2018?

17 A I would be speculating without my phone in front
18 of me in even remembering what I might've deleted or not
19 deleted.

20 Q Do you recall deleting any texts between November
21 27th and today?

22 A No.

23 Q Was the text that you referred to, was that
24 produced to the Board?

25 A I do not know. All of the texts in my phone and

1 e-mail in my wife's laptop were completely--all of our e-
2 mails were turned over to our attorneys, and I depended on
3 my attorneys for document production.

4 Q And which attorneys was that?

5 A That would have been Mr. Branch.

6 Q And that included the texts on your phone.

7 A Yes. They took all of my texts. I mean that was
8 the hundred and some thousand--not all texts, but texts and
9 e-mails I think he referenced earlier today, maybe 132,000
10 that were drawn, and then they went through the document
11 production.

12 Q When was the--can you give me a little bit of
13 biographical information, where you're from, what--you
14 obviously have a doctorate degree, so a little bit of
15 educational history, then moving forward to 2016.

16 A Well, I was born in Winston-Salem, North Carolina,
17 and I grew up there and went to Appalachian State
18 University. I graduated from there with a degree in
19 political science. I went to Southeastern Baptist
20 Theological Seminary.

21 And following getting a Master of Divinity degree,
22 and actually while I was at Southeastern, began to pastor
23 at Southern Baptist Church, and I pastored--I was a youth
24 minister prior to that, but then went to my first church as
25 senior pastor in 1989 in Centerville Baptist Church in

1 Clemmons, served there before I went to Curtis Baptist
2 Church in Augusta, Georgia, and then came back to the First
3 Baptist Church of Charlotte in 2005.

4 And I also completed a doctorate of ministry
5 degree from Southeastern Baptist Theological Seminary. I
6 served as the president of the North Carolina Baptist State
7 Convention from 2011 to 2013. I've been an officer prior
8 to that as well.

9 What else do you want to know? I'm married to my
10 wife, which is probably the best thing about me, and for 31
11 years, and my son--you met one of my three children. I have
12 daughter and two sons.

13 Q They are--if there are anything like your first
14 son John, you should be very proud.

15 A Thank you, and I'm very, very proud of my
16 children.

17 Q In those positions, did you hire and fire
18 employees?

19 A I did ultimately, but most of the time we had
20 personnel committees that I worked with as a senior pastor.
21 So decisions in Baptist churches tend to be made most of
22 the time by committees, and recommendations are made.

23 Q And were there times where you hired vendors or
24 independent contractors to do work?

25 A Certainly every church that I have served in

1 utilized vendors and independent contractors.

2 Q And did you understand--

3 MR. FREEDMAN: Well, I would ask for a short
4 recess to have a discussion in chambers with the Board.

5 CHAIRMAN CORDLE: All right. Let's take our
6 lunch break now then, and then we'll come back at two
7 o'clock.

8 MR. ELIAS: Fair.

9 MR. LAWSON: Prior to you all convening,
10 I need to consult with the Attorney General on something
11 because there are limited circumstances under which this
12 Board is able to take any type of action in closed session,
13 and none of them would directly apply, so we need--

14 MR. FREEDMAN: Actually let me just--if I
15 could speak with Mr. Lawson.

16 MR. LAWSON: We could do that.

17 MR. FREEDMAN: Yes.

18 CHAIRMAN CORDLE: Why don't you speak to Mr.
19 Lawson. Can you accomplish your mission by talking to him,
20 or do you need to talk to us?

21 MR. FREEDMAN: I think this would be a good
22 time for a lunch recess.

23 CHAIRMAN CORDLE: All right. Lunch recess then.

24 (Whereupon, a lunch recess was taken

25 from 12:42 p.m. to 2:10 p.m.)

1 CHAIRMAN CORDLE: We're going to come back into
2 session of this meeting for just a minute for a very quick
3 motion.

4 MR. CARMON: Mr. Chair, I'd like to make
5 a motion that we go into closed session to discuss matters
6 with our attorney.

7 CHAIRMAN CORDLE: Is there a second?

8 MR. BLACK: Second.

9 MR. LAWSON: We'll be back at 2:30.

10 CHAIRMAN CORDLE: Yes, we'll be back at 2:30.
11 All those in favor?

12 (Unanimous vote in favor.)

13 CHAIRMAN CORDLE: Unanimous motion. We'll be
14 back at 2:30.

15 (The Board went into closed session
16 from 2:11 p.m. to 2:45 p.m.)

17 CHAIRMAN CORDLE: We will come back into order
18 as we wait for Dr. Harris. Oh, here they come now.

19 (Pause as witness steps forward.)

20 MR. FREEDMAN: Mr. Chairman, Dr. Harris would
21 like to make two statements to the Board.

22 CHAIRMAN CORDLE: Let me just start by saying,
23 Dr. Harris, you know you're still under oath.

24 THE WITNESS: Yes, sir.

25 CHAIRMAN CORDLE: And you're still--you can sit

1 down.

2 (The witness takes the witness stand.)

3 CHAIRMAN CORDLE: And that you are here
4 voluntarily still.

5 THE WITNESS: Yes, sir.

6 CHAIRMAN CORDLE: All right. Thank you, sir.
7 Go ahead.

8 THE WITNESS: Mr. Chairman, I have a
9 statement that I wish to make.

10 CHAIRMAN CORDLE: All right, sir.

11 THE WITNESS: It's been brought to my
12 attention that I talked to my son, my younger son Matthew,
13 that I referenced earlier two nights ago about the fact that
14 I did not think John's e-mails would be part of this
15 hearing. Obviously I was incorrect in my recollection, and
16 I wholeheartedly apologize to this Board.

17 On January 18th, I went into the hospital. After
18 battling what we thought was bronchitis, I developed a
19 severe infection that actually caused me to become septic.
20 In the process of that illness I experienced two strokes
21 from which I'm still recovering.

22 Though I thought I was ready to undergo the rigors
23 of this hearing and I'm getting stronger, I clearly am not,
24 and I struggled this morning with both recall and confusion.
25 Neither I nor any of the leadership of my campaign were

1 aware of or condoned the improper activities that have been
2 testified to in this hearing.

3 Through the testimony I listened to over the past
4 three days, I believe a new election should be called. It's
5 become clear to me that the public's confidence in the Ninth
6 District C general election has been undermined to an extent
7 that a new election is warranted.

8 Mr. Chairman, that concludes my statement.

9 CHAIRMAN CORDLE: Thank you, Dr. Harris.

10 MR. FREEDMAN: I would ask he be excused at
11 this time.

12 CHAIRMAN CORDLE: Yes, sir. Thank you. We
13 appreciate it. I hope you feel better.

14 THE WITNESS: Thank you, sir.

15 (The witness exits the stand.)

16 CHAIRMAN CORDLE: Does State Board staff have
17 further evidence?

18 DIRECTOR STRACH: Yes, Mr. Chairman. We would
19 just like to enter into the record several exhibits.

20 CHAIRMAN CORDLE: All right. Are they pre-
21 marked? Did you mark them?

22 DIRECTOR STRACH: I believe--are they pre-
23 marked? No. We need to mark those. What exhibit number?

24 COURT REPORTER: 62 is next.

25 DIRECTOR STRACH: Exhibit 62 will be--it's the

1 Robeson County Board of Elections Absentee Request Form
2 Return Log.

3 (Whereupon, Exhibit No. 62
4 was marked for identification.)

5 CHAIRMAN CORDLE: And why are you offering this?

6 DIRECTOR STRACH: Mr. Chairman, we're offering
7 this to show these, the three entries on this absentee
8 return log is--were brought in my Jennifer Boyd who worked
9 for McCrae Dowless, and we believe these are all absentee
10 requests that were gathered and paid for by McCrae Dowless.

11 CHAIRMAN CORDLE: And they number 231, 232
12 total?

13 DIRECTOR STRACH: I think it's 231.

14 CHAIRMAN CORDLE: Thank you.

15 MR. LAWSON: Mr. Chairman, for all of
16 these, we are introducing it, unless the parties object, for
17 what they represent to be including the description of
18 Executive Director Strach. And they would be considered
19 part of the evidence and can be relied upon in any kind of
20 subsequent fact finding.

21 MR. ELIAS: No objection.

22 CHAIRMAN CORDLE: Thank you.

23 MS. FAIRESS: I just have a clarifying
24 question. I have a clarifying question. I'm not sure; I
25 may be confused, but we had some correspondence, e-mail with

1 the Board staff and believed that this was actually
2 incorrectly labeled absentee request form and it could be
3 voter registration forms. And I just wondered if you had
4 checked into that.

5 MR. LAWSON: Yes, we have.

6 DIRECTOR STRACH: We believe that they are
7 absentee request forms.

8 (Pause during sound system interference)

9 CHAIRMAN CORDLE: Okay. Are we back to order?
10 I hope. Did you get an answer to your question?

11 MS. FAIRESS: I did.

12 CHAIRMAN CORDLE: (indiscernible word) your
13 microphone.

14 MS. FAIRESS: I did get an answer. It's not
15 the answer I thought I wanted, but I did get an answer.

16 CHAIRMAN CORDLE: Okay. Thank you.

17 DIRECTOR STRACH: And actually we had two
18 completed reports, so--and our investigation showed that
19 about the same number of request forms and voter
20 registration forms were turned in. So we were under the
21 impression, based on interviews, that they were request
22 forms. So that's still part of our investigation.

23 CHAIRMAN CORDLE: All right. Do you have
24 anything further to offer?

25 DIRECTOR STRACH: Yes.

1 CHAIRMAN CORDLE: I'm sorry, somebody else--

2 MR. HAGA: I do have a question because
3 there were 2,200 request forms, correct? This is the only
4 log that we have, 231? I'm trying to reconcile the
5 difference here.

6 DIRECTOR STRACH: We had the same problem, and
7 we don't understand exactly either why that was the only log
8 for requests being brought in.

9 MR. HAGA: There was one article that
10 came out that said that one person--and I can produce the
11 article--that one person from the Democratic Congressional
12 Committee produced a box with 600 requests--over 600
13 requests on one day, and that's part of the election.

14 So is this a function of Robeson County not
15 keeping correct records?

16 DIRECTOR STRACH: We do not believe that they
17 did keep correct records for those processes. If that's the
18 log, it certainly does not contain all the requests that
19 were received. That's just what they provided to us.

20 MR. HAGA: So we have no functional way
21 to track the other remaining 2,000.

22 DIRECTOR STRACH: We do have a way to track the
23 requests. We just don't have a way to track who brought
24 them in.

25 MR. HAGA: Thank you.

1 DIRECTOR STRACH: The next exhibit--we have two
2 photos that were taken at the Bladen County Board of
3 Elections that demonstrate, as I was saying in my opening
4 statement, the keys to the ballot room being left in a place
5 that was publicly accessible, and we want to put these into
6 the record.

7 CHAIRMAN CORDLE: Where do they show the key is?

8 DIRECTOR STRACH: The key is outside an office
9 door hanging on an interior wall.

10 (Pause during sound system interference)

11 MR. _____: Someone must be doing a live
12 broadcast that's at the same frequency as our microphones.

13 MR. ELIAS: Can you maybe clear the hall
14 of cameras?

15 MR. LAWSON: I can.

16 MR. ELIAS: Obviously it's whoever's
17 shooting out in the hallway.

18 MR. _____: We believe it's interference
19 with our system from some frequency from outside.

20 (Whereupon, Exhibit No. 63
21 was marked for identification.)

22 CHAIRMAN CORDLE: So can we show the picture up
23 on the screen?

24 MR. LAWSON: This is 63.

25 CHAIRMAN CORDLE: And that picture is out in the

1 hallway, outside the secure ballot room?

2 DIRECTOR STRACH: Yeah, it's outside an office
3 that is--like the public could get to, but it is outside an
4 office door when you walk into the Board of Elections.

5 CHAIRMAN CORDLE: Thank you.

6 DIRECTOR STRACH: And then the next exhibit, 64,
7 is another photo of the keys that were hanging at a
8 different time. And this was taken by our investigators.

9 (Whereupon, Exhibit No. 64
10 was marked for identification.)

11 DR. ANDERSON: And that was taken later?

12 MR. LAWSON: The first one was the
13 investigators.

14 CHAIRMAN CORDLE: And both of these pictures
15 were taken by the Board investigators?

16 DIRECTOR STRACH: No. One was taken by a Bladen
17 County Board of Elections board member, and then the second
18 was taken by our investigators at a different time.

19 CHAIRMAN CORDLE: At different times?

20 DIRECTOR STRACH: Yes.

21 CHAIRMAN CORDLE: Do you consider that to be a
22 good practice?

23 DIRECTOR STRACH: No, Mr. Chairman, I do not
24 consider that to be a good practice.

25 CHAIRMAN CORDLE: Thank you.

1 DIRECTOR STRACH: The next exhibit we want to
2 get in is actually the floor plan of the Bladen County Board
3 of Elections which shows the location of the ballot room in
4 proximity to the Veterans Affairs office.

5 (Whereupon, Exhibit No. 65
6 was marked for identification.)

7 CHAIRMAN CORDLE: Can somebody point out where
8 the Veteran Affairs office is?

9 DIRECTOR STRACH: Yes. That's the Veterans
10 Affairs office. Directly across that hall is where--we call
11 it the unity--it's the vote tabulation and software room.

12 CHAIRMAN CORDLE: It's directly across the hall.

13 DIRECTOR STRACH: Yes.

14 CHAIRMAN CORDLE: And the Veteran office has an
15 exit to the outside as well as an exit to the inside.

16 DIRECTOR STRACH: Yes.

17 CHAIRMAN CORDLE: And the man running the
18 Veteran Affairs office used to be the director?

19 DIRECTOR STRACH: Yes, Mr. Chairman. Larry
20 Hammond is the director of the Veterans Affairs office, and
21 he was the director of the Bladen County Board of Elections
22 for many years.

23 CHAIRMAN CORDLE: And I take it you were
24 concerned that he might have access to the office?

25 DIRECTOR STRACH: I'm more concerned of just-

1 we have an unknown number of people, because they're
2 visiting there, having access to that office.

3 CHAIRMAN CORDLE: Thank you.

4 DIRECTOR STRACH: The next photo we wanted to
5 put into the record, Exhibit 67, is a photo of--this is the
6 room that houses the ballots, and you'll see--

7 COURT REPORTER: Exhibit 66, actually.

8 DIRECTOR STRACH: --the keys are in the door.

9 CHAIRMAN CORDLE: It's Exhibit 66?

10 (Whereupon, Exhibit No. 66
11 was marked for identification.)

12 DIRECTOR STRACH: At that photo was taken by a
13 Bladen County Board of Elections board member.

14 CHAIRMAN CORDLE: And I'm sorry, but this is
15 inside--

16 DIRECTOR STRACH: Yes.

17 CHAIRMAN CORDLE: --the ballot control room.

18 DIRECTOR STRACH: The ballot control room.

19 CHAIRMAN CORDLE: And this is the room across
20 from the door going into the Veteran Affairs.

21 DIRECTOR STRACH: No, this is on the opposite
22 side of the building. The ballot--this is for actually the
23 ballots themselves, and the room across from the Veterans
24 Affairs is where--on election night, that's where the
25 tabulation software is. So that's where they come in so

1 votes can be tabulated.

2 CHAIRMAN CORDLE: Okay. Thank you.

3 DIRECTOR STRACH: The next exhibit 68 is--

4 MR. LAWSON: 67. We're off sequentially.

5 DIRECTOR STRACH: We're off sequentially?

6 Sorry.

7 (Whereupon, Exhibit No. 67
8 was marked for identification.)

9 DIRECTOR STRACH: This is a report from
10 Department of Homeland Security where they did an election
11 infrastructure outreach security checklist, and they
12 provided some recommendations, and that is--this document
13 contains those recommendations.

14 CHAIRMAN CORDLE: And do you know if these
15 recommendations were followed through by the county board?

16 DIRECTOR STRACH: That's the next exhibit.

17 MR. LAWSON: This is Number 68.

18 (Whereupon, Exhibit No. 68
19 was marked for identification.)

20 DIRECTOR STRACH: The next are the minutes of
21 the Bladen County Board of Elections, and actually these
22 minutes were taken or the meeting was before Department of
23 Homeland Security actually did its checklist and went
24 though, and the Board did vote unanimously to have several
25 different security mechanisms improved, and the County

1 Commission did not approve these recommendations.

2 CHAIRMAN CORDLE: The County Commission would
3 have had to fund the recommendations.

4 DIRECTOR STRACH: That's exactly right.

5 DR. ANDERSON: Who are the members of the
6 County Commission?

7 DIRECTOR STRACH: We'll have to get a list for
8 you.

9 (Whereupon, Exhibit No. 69
10 was marked for identification.)

11 DIRECTOR STRACH: This is an e-mail from Andy
12 Yates to Beth Harris, and the reason we're putting this in
13 is that it's about 449 requests in Robeson which is sort of
14 what's disputed, so we wanted to make sure this is in the
15 record.

16 CHAIRMAN CORDLE: And this is offered because
17 Mr. Yates' e-mail says, "McCrae's team has generated a total
18 of 449 requests in Robeson"?

19 DIRECTOR STRACH: Right. That's correct. And
20 then last--

21 DR. ANDERSON: We will recognize that we're
22 not going to count on him for the number, but that is what
23 he claims, correct?

24 DIRECTOR STRACH: That's exactly right. And
25 then the next exhibit is a letter from Jon David, the

1 district attorney, which this is his--this is a letter of
2 recusal but also saying his desire to ensure that these
3 issues in Bladen County are corrected.

4 (Whereupon, Exhibit No. 70
5 was marked for identification.)

6 MR. LAWSON: And then the next one--is it
7 70?

8 CHAIRMAN CORDLE: Excuse me. This is--Jon
9 David's letter, I believe, speaks about a meeting, a voter
10 information meeting at the Bladen County Courthouse, and the
11 State Board of Elections put on an effective seminar on how
12 to handle absentee ballots. Correct?

13 DIRECTOR STRACH: Correct.

14 CHAIRMAN CORDLE: And it says in here that
15 Bladen County has had a troubled history of political groups
16 exploiting the use of absentee ballots for a long period of
17 time. All right. Thank you.

18 MR. LAWSON: The next one is 71. This is
19 a text message that's not being entered for the truth of the
20 matter except to say it's a text message in which McCrae is
21 purporting to have represented that the outcome of the
22 primary results--it's a text message during one stop early
23 voting--just that its inclusion was going to be 988 votes
24 for Harris. It was in fact 889, so not the same number, but
25 indicating that there were predictions made during the

1 primary.

2 CHAIRMAN CORDLE: Thank you.

3 (Whereupon, Exhibit No. 71
4 was marked for identification.)

5 MR. LAWSON: Yeah, that's 71. And then
6 I'm going to enter--72 is just the results themselves as
7 reflected in the State Board's website. We're just--we're
8 redacting pieces for our book here. All right.

9 (Whereupon, Exhibit No. 72
10 was marked for identification.)

11 DIRECTOR STRACH: Dr. Anderson, we do have the
12 names of the Bladen County Commissioners now. It's Charles
13 Ray Peterson, David Gooden, Ray Britt, Arthur Bullock,
14 Michael Cogdell, Daniel Dowless, Ophelia Munn-Goins, Russell
15 Priest, Ashley Trivette, Gregory Martin. That's it.

16 DR. ANDERSON: What was the second one? I
17 was writing them down? I have Peterson.

18 DIRECTOR STRACH: David R. Gooden.

19 DR. ANDERSON: Okay, Britt, Cogdell, Goins,
20 Trivette, or Trivatte (phonetic), and Martin.

21 DIRECTOR STRACH: And Arthur Bullock and Daniel
22 Dowless.

23 MR. ELIAS: May I ask for clarification
24 on a prior exhibit? The text message, who is it from and
25 to?

1 MR. LAWSON: Yes, so this, the--the number
2 at the top we understand to be Beth Harris, the number at
3 the bottom John Harris, and it's not being entered because
4 it was accurate but because it contains the same digits and
5 there was reason to believe that it would not have been
6 accurate; however, we wanted it to be part of the record in
7 this matter that there were representations apparently being
8 made by Mr. McCrae that would have included outcomes as to
9 one stop early voting.

10 This is on the evening of one of our early voting
11 during the primary, not for the truth of the matter as to
12 the particularity of the prediction, but it's that there
13 would have been and could have been representations made
14 regarding one stop early voting outcomes in the primary.

15 MR. ELIAS: So just so I'm clear, this is
16 Ms. Harris telling John Harris, who testified yesterday,
17 that McCrae was giving an exact number of votes that would
18 be in Bladen prior to those results being made public; is
19 that correct?

20 MR. LAWSON: Yes. That's what we
21 understood it to be.

22 CHAIRMAN CORDLE: Is there anything more from
23 the State Board?

24 DIRECTOR STRACH: That's all, Mr. Chairman.

25 CHAIRMAN CORDLE: Do you have anything to

1 present, sir?

2 MR. ELIAS: I do. I have a number of
3 documents that I simply want to move into evidence for the
4 Board's consideration. First I'd like to make an overall
5 motion that all of the previously marked documents be
6 admitted into evidence for the Board's consideration.

7 CHAIRMAN CORDLE: We have admitted all of the
8 previously marked documents.

9 MR. ELIAS: That's fine. And so I'm just
10 going to run through a number of documents. I'm happy to
11 proffer what the purpose is to the extent the Chairman or
12 the Board would like or there is objection.

13 The first is a report from Harvard Law--I'm sorry.
14 Harvard Political Science Professor Stephen Ansolabehere
15 regarding absentee ballots in the 2018 North Carolina
16 Congressional District 9 General Election. This is an
17 expert report that has been the subject of a previous
18 stipulation as to its admissibility.

19 CHAIRMAN CORDLE: And that's Exhibit 73, I
20 believe.

21 MR. LAWSON: Yes.

22 CHAIRMAN CORDLE: All right, sir.

23 (Whereupon, Exhibit No. 73
24 was marked for identification.)

25 MR. ELIAS: The next is an expert report

1 from Michael Herron who I believe is a political scientist
2 at Dartmouth entitled "Allegations of fraud and mail-in
3 absentee ballot anomalies in North Carolina's Ninth
4 Congressional District."

5 It was also submitted pursuant to Paragraph 8--
6 I'm sorry. It's also covered by the stipulation that we
7 had.

8 CHAIRMAN CORDLE: Thank you, sir.

9 (Whereupon, Exhibit No. 74
10 was marked for identification.)

11 MR. ELIAS: The next is a press release
12 from the North Carolina State Board of Elections, "The State
13 Board to Hold Public Hearing into irregularities in Ninth
14 Congressional District contest." That is a press issued by
15 this Board on November 30th, 2018.

16 CHAIRMAN CORDLE: Well, I trust that there won't
17 be any objection to the authenticity of that.

18 (Whereupon, Exhibit No. 75
19 was marked for identification.)

20 MR. ELIAS: The next is a press release
21 also from the Board, "State Board continues its
22 investigation into the Ninth Congressional District
23 irregularities." That was dated December 7th, 2018.

24 COURT REPORTER: Just a moment.

25 MR. ELIAS: These are all documents that

1 would have been shown to Mr. Harris had he continued his
2 testimony and we think are relevant.

3 (Pause for marking exhibits.)

4 CHAIRMAN CORDLE: Mr. Elias, are you wanting to
5 admit all of the documents--

6 MR. ELIAS: Yes.

7 CHAIRMAN CORDLE: --you have on your list, 110
8 of them?

9 MR. ELIAS: There are 110 of them. Would
10 you like to do it en masse or you want me to read them?

11 CHAIRMAN CORDLE: I'd rather do it en masse if
12 there's no objection.

13 MR. ELIAS: We're all about en masse.

14 CHAIRMAN CORDLE: So you're offering the 110?

15 MR. ELIAS: I've offered all 110.

16 CHAIRMAN CORDLE: They are accepted.

17 MR. ELIAS: Thank you.

18 CHAIRMAN CORDLE: And we can just mark that
19 Exhibit 110 and attach them all in a batch if you like.
20 However it's easier for you.

21 MR. BERKON: Yeah, absolutely.

22 CHAIRMAN CORDLE: We can batch file those.

23 MR. BERKON: Yes.

24 (Whereupon, Exhibits Nos. 76 through 149,
25 having been pre-marked for identification,

1 were admitted into the Board's evidence.)

2 MR. ELIAS: Mr. Chairman, I would like to
3 make a motion and in one case renew my motion to make
4 adverse inferences with respect to Mr. Dowless and his
5 failure to testify.

6 We believe that truthful testimony from Mr.
7 Dowless would have implicated him in a widespread fraud
8 scheme that both violated the anti-harvesting statute as
9 well as the vote denial--as well as implicating the vote
10 denial and the destruction of ballots that had been cast and
11 the count and the filling in of ballots for offices that the
12 voter did not intend to vote.

13 CHAIRMAN CORDLE: I think that motion's well
14 taken.

15 MR ELIAS: The second is I'd like to make
16 a motion for an adverse inference with respect to the
17 Harris--with respect to Mr. Harris based on his campaign
18 committee's failure to comply with this Board's subpoena
19 both with respect to late production of documents and the
20 failure to conduct an adequate search.

21 I believe that an adverse inference is
22 appropriate, and that that adverse inference would be that
23 if all documents had been searched and produced in a timely
24 fashion, they would have been adverse to Dr. Harris's
25 position that the election results stand.

1 CHAIRMAN CORDLE: I think we've resolved that,
2 and we'll deny the motion.

3 MR. ELIAS: The third is I would ask that
4 a similar adverse inference be with respect to Dr. Harris
5 who, as witness to Dowless, has refused to testify. He
6 began testimony; he gave limited testimony.

7 CHAIRMAN CORDLE: That's also denied. I think
8 he--

9 MR. ELIAS: Can I make my record before
10 it's denied?

11 CHAIRMAN CORDLE: Yes, sir.

12 MR. ELIAS: He began testifying. He made
13 statements that he then corrected as potentially untrue and
14 has not been thus available for examination by myself on
15 behalf of Mr. McCready, and it would seem to me reasonable
16 that an adverse inference be drawn as to his unwillingness
17 to testify.

18 CHAIRMAN CORDLE: I believe that Mr. Harris said
19 that he recommended and would approve a new election in
20 North Carolina, and I think that's sufficient, and the
21 motion is denied.

22 MR. ELIAS: So my last request is that the
23 Board move and approve a new election. I'm making the
24 record only because obviously I can't predict what the Board
25 will do. Obviously I endorse Mr. Harris's--Dr. Harris's

1 recommendation, but I felt that I needed to make the record
2 in light--

3 CHAIRMAN CORDLE: Right.

4 MR. ELIAS: --I can't count votes before
5 a vote takes place.

6 CHAIRMAN CORDLE: Thank you.

7 MR. FREEDMAN: We have no further evidence.

8 CHAIRMAN CORDLE: Does anybody--I hate to say
9 in the back, but behind the tables that wish to offer--

10 MR. SCOTT: I don't have any questions.

11 CHAIRMAN CORDLE: Okay. Thank you.

12 MS. FAIRESS: I have several documents for
13 the Board to be submitted into the record.

14 CHAIRMAN CORDLE: Please bring them forward
15 please. She has several documents.

16 (Ms. Fairess steps forward.)

17 CHAIRMAN CORDLE: Ms. Fairess, can you tell us
18 what your documents are and why you're offering them please.
19 I mean you can offer--

20 MS. FAIRESS: Okay.

21 CHAIRMAN CORDLE: --why you're offering them.

22 MS. FAIRESS: All right.

23 CHAIRMAN CORDLE: Can you get a microphone
24 anywhere?

25 MS. FAIRESS: Thank you, Mr. Chair. I have

1 three documents to offer. One was the evidentiary
2 submission that was made to the portal. We just want to be
3 sure this is in the record. It was Exhibit 7.1.9.2. It's
4 the Burton evidentiary submission.

5 (Whereupon, Exhibit No. 150
6 was marked for identification.)

7 MS. FAIRESS: The second is another
8 affidavit from Candidate Vanessa Burton that more explicitly
9 outlines the process by which the election was not certified
10 and what has happened since.

11 It does point out that the Robeson Board of
12 Elections certified the election results, whether or not
13 incorrectly, and also that the Governor issued a letter of
14 congratulations and a commission to her for her office, and
15 that these documents are contained in the second affidavit
16 for her.

17 And I also have a request to take official notice
18 of numerous documents that are--numerous data that is in the
19 possession of the Board, voter registration and voting
20 histories of specified voters, a chart of the Robeson
21 absentee ballots that were witnessed by Jennifer Boyd which
22 shows that of those that she witnessed, zero of them were
23 African-American and only three were Democrats.

24 In Robeson, general election party turnout, all
25 sorts of demographics, but it is just a list of demographic

1 and other data that the State Board has that we want to be
2 sure is entered into evidence. Those are my three
3 documents.

4 (Whereupon, Exhibits Nos. 151 through 154
5 were marked for identification.)

6 CHAIRMAN CORDLE: Thank you, ma'am. They will
7 be entered.

8 Ms. Strach, if the Governor has issued a
9 commission, does that affect what we can do here today?

10 DIRECTOR STRACH: Commission. What you can do
11 for setting a new election? Is that what you're saying?

12 CHAIRMAN CORDLE: Yes.

13 DIRECTOR STRACH: I think you can certainly do
14 that after an appropriate vote. We probably want to look
15 at doing it the same way as that commission because that
16 would set out the schedule being--having the same schedule.

17 CHAIRMAN CORDLE: No. I understand. It's that
18 the Governor has congratulated--

19 DIRECTOR STRACH: Oh, I'm sorry.

20 CHAIRMAN CORDLE: --Ms. Burton and has--Ms.
21 Fairness, did you say it's issued a commission to her?

22 MS. FAIRESS: Yes.

23 CHAIRMAN CORDLE: Is it in a letter of a
24 separate document?

25 MS. FAIRESS: Separate document.

1 CHAIRMAN CORDLE: Can you show it to Ms. Strach,
2 please.

3 (Document handed to Mr. Strach)

4 DIRECTOR STRACH: I believe this would serve as
5 her certification.

6 CHAIRMAN CORDLE: So does that take the
7 jurisdiction of that race away from us?

8 DIRECTOR STRACH: I would want to check with Mr.
9 Lawson and Ms. Love. It may be.

10 CHAIRMAN CORDLE: All right. Let's hold that
11 one then till we can get Mr. Lawson freed up to come take
12 a look.

13 Mr. Woodhouse, you wanted to say something, sir?

14 MR. WOODHOUSE: Yes, sir. Mr. Chairman, on
15 the--respectfully, Dallas Woodhouse, executive director of
16 the Party, speaking in both my professional role and
17 personal role. I would like to lead the record to reflect
18 that in Mr. Elias's questioning of John Harris, he made a
19 question referring to me as a statement of fact; that I was
20 informed of the word "fraud" and the word "fraud" was used
21 with me by the Pittenger people. I would like it noted for
22 the record that I do not believe that happened and deny that
23 assertion.

24 CHAIRMAN CORDLE: Thank you, sir.

25 MR. WOODHOUSE: Thank you, sir.

1 MR. ELIAS: I ask that that either be
2 stricken or Mr. Woodhouse be put under oath. This is my
3 opportunity to--

4 CHAIRMAN CORDLE: I'm sorry, but we're not going
5 to go any more with that.

6 MR. ELIAS: Than I ask that it be
7 stricken. He's not properly recognized before the Board and
8 it shouldn't be part of the record.

9 CHAIRMAN CORDLE: We'll let it go in the record
10 for what it's worth.

11 MR. ELIAS: That's fair.

12 CHAIRMAN CORDLE: Anybody else in the back row
13 have anything further?

14 MR. HAGA: I actually do; I have one
15 document I'd like to enter. It's an affidavit. But I also
16 have one witness to activities that happened at the Robeson
17 County Board of Elections on election night.

18 CHAIRMAN CORDLE: All right.

19 MR. HAGA: I'd like to have him come up
20 and testify.

21 CHAIRMAN CORDLE: And so do you want to affiant
22 to testify?

23 MR. HAGA: I would actually like him to
24 come up and testify.

25 CHAIRMAN CORDLE: Why don't you tell us what's

1 in the affidavit?

2 MR. HAGA: Well, I found additional
3 information subsequent to the affidavit. His affidavit
4 talked about his reception of or a call that he got about
5 an absentee ballot that he did not request. That's what the
6 affidavit was about.

7 And then subsequent to that I learned about his
8 observations on the night of the election at the Robeson
9 County Board of Elections.

10 CHAIRMAN CORDLE: Is your client seeking a new
11 election?

12 MR. HAGA: He is, sir.

13 CHAIRMAN CORDLE: And he would like the same
14 relief as Dr. Harris?

15 MR. ____: No.

16 CHAIRMAN CORDLE: A new election?

17 MR. HAGA: He wanted election.

18 MR. ____: He said (unintelligible)
19 McCready.

20 MR. HAGA: This is an odd hybrid of a--

21 CHAIRMAN CORDLE: Well, let's come up and be
22 sworn then.

23 MR. HAGA: Yes, sir. And I'll just
24 withdraw the affidavit, and we'll just go with his
25 testimony.

1 CHAIRMAN CORDLE: All right. Thank you.

2 (The witness steps forward.)

3 CHAIRMAN CORDLE: Would you state your name
4 please, sir.

5 THE WITNESS: My name is Harold Worriax.

6 CHAIRMAN CORDLE: Could you spell it please.

7 THE WITNESS: H-a-r-o-l-d. The last name
8 Worriax, W-o-r-r-i-a-x.

9 CHAIRMAN CORDLE: Worriax. All right, sir. Are
10 you subpoenaed today, sir?

11 THE WITNESS: No.

12 CHAIRMAN CORDLE: So you realize your offering
13 voluntary testimony.

14 THE WITNESS: Yes, sir.

15 CHAIRMAN CORDLE: All right. You're not
16 required to answer any of the questions if you choose not
17 to.

18 THE WITNESS: Yes, sir.

19 CHAIRMAN CORDLE: Do you have an attorney here?

20 THE WITNESS: No, sir.

21 CHAIRMAN CORDLE: If you don't understand a
22 question, please ask for clarification.

23 THE WITNESS: Yes, sir.

24 CHAIRMAN CORDLE: If you don't know the answer
25 to a question, please say so.

1 THE WITNESS: Yes, sir.

2 CHAIRMAN CORDLE: And no speculation or
3 guessing.

4 THE WITNESS: Yes, sir.

5 CHAIRMAN CORDLE: All right, sir. Thank you.
6 You can take the oath please from the court reporter.

7 (Whereupon,

8 HAROLD F. WORRIAX,

9 having first been duly sworn, was
10 examined and testified as follows:

11 CHAIRMAN CORDLE: Mr. Haga, and it's pronounced
12 Haga.

13 MR. HAGA: Haga, yes sir.

14 CHAIRMAN CORDLE: Thank you.

15 DIRECT EXAMINATION BY MR. HAGA:

16 Q Mr. Worriax, would you first please explain the
17 spelling of your name and variations.

18 A I have several different family members that spell
19 it like my dad; on his birth certificate it's spelled W-a-
20 r-i-a-x. He has a brother that spells it W-o-r-r-i-a-x.
21 Then it is spelled W-o-r-i-a-x. Several different ways that
22 we spell it. We blame it back to the nurses that actually
23 filled out their birth certificates.

24 MR. HAGA: And the reason I bring that
25 up, there's a discrepancy in his actual spelling versus what

1 the affidavit was; there was a scribner's error, just so
2 there's no confusion if anybody goes through the record to
3 try to find either an absentee ballot request or looking
4 through the record, we'll have that clarified.

5 CHAIRMAN CORDLE: All right.

6 Q Mr. Worriax, will you please give us a little bit
7 about your education and background, your occupation.

8 A My occupation, for the past 17 years, I've worked
9 in the funeral service industry. My education is
10 Fayetteville Technical Community College, specialty in
11 funeral service education, then Robeson Community College,
12 I had emergency medical science.

13 I have worked part time as a medic for the past
14 18 years.

15 Q And you're a registered voter?

16 A I am, Democrat.

17 Q You're registered as a Democrat in Robeson County?

18 A Yes, sir.

19 Q Okay. And you're familiar with Mr. Moody.

20 A I am.

21 Q And how are you familiar with Mr. Moody?

22 A The last, I'd say, month of Mr. Moody's campaign
23 I served as his chairman.

24 Q Okay, and you're aware of the reason for this
25 hearing today.

1 A I am.

2 Q And what events--you've signed an affidavit--

3 A I did.

4 Q --about some irregularities. Can you explain
5 those irregularities for us?

6 A For the affidavit--I received a phone call. I
7 would say it was on a Thursday afternoon, probably a month
8 ago. The young lady told me--

9 CHAIRMAN CORDLE: So this is well after the
10 election then.

11 THE WITNESS: Yes.

12 CHAIRMAN CORDLE: All right.

13 A After the election. She described to me that
14 someone had submitted an absentee ballot request in my name.
15 Me and my father share the same name. I'm Junior; of
16 course, he is Senior. I asked her to clarify if it was
17 Junior or Senior. She could not.

18 She just said it was listed Harold F. Worriax, the
19 F standing for Fredrick. She didn't have a date of birth.
20 I did let her know that I did not indeed request an absentee
21 ballot and I had not received an absentee ballot. She just
22 said that there was discrepancies there.

23 CHAIRMAN CORDLE: Did you vote in person?

24 THE WITNESS: I voted election day in
25 person.

1 A She went on with the statutes of why it was wrong,
2 and she asked did I want to do an affidavit. I then
3 informed her that I was closely connected with one of the
4 campaigns and that we would send the affidavit in to the
5 Board of Elections.

6 She left with me a phone number that I can contact
7 the Board of Elections, and I actually verified with them
8 to make sure that this was not fraud indeed. We hung up the
9 phone. Pleasantries were exchanged.

10 Soon as I got off the phone I called Mr. Moody to
11 let him know what had happened. So he had an incoming call.
12 And that incoming call, when we got off hold, it was another
13 individual that had just received one of the same phone
14 calls.

15 Well, an hour later two or three more people
16 continued calling. These people denied having absentee
17 ballots sent in their behalf. Three of these individuals
18 did indeed call the number, and it was verified that they
19 indeed did have absentee ballot requests.

20 I did not call because we had already confirmed
21 that, you know, these were legit by three other individuals
22 as part of our campaign.

23 CHAIRMAN CORDLE: Did you go to the State--I
24 mean to the County Board of Elections to see if somebody had
25 submitted it?

1 THE WITNESS: Mr. Moody did. The next
2 morning he went on my behalf because I had to work, and he
3 called me about 12 o'clock that afternoon. He said that
4 they did not have any record of it.

5 CHAIRMAN CORDLE: Sorry?

6 THE WITNESS: That they did not have any
7 record of mine or any of the other ones, but when we made
8 contact with the State Board, there was actually--there for
9 the evidence.

10 CHAIRMAN CORDLE: Well, you made contact with
11 the State Board and what?

12 THE WITNESS: When was made contact with the
13 State Board, there was actually absentee ballot requests on
14 hand for each one of the individuals that we have affidavits
15 for.

16 CHAIRMAN CORDLE: Ms. Strach, are you familiar
17 with that?

18 DIRECTOR STRACH: Mr. Chairman, we are familiar
19 with that. Ms. Fleming can actually speak better to it.
20 She's actually had the case on this that we haven't been
21 able to close.

22 CHAIRMAN CORDLE: There's nothing more you need
23 to say about this?

24 THE WITNESS: Not to that incident, no.

25 CHAIRMAN CORDLE: Ms. Fleming, could you tell

1 us what you know about this, please.

2 MS. FLEMING: Yes, sir, Mr. Chairman.

3 Subsequent--or during the investigation, in more recent
4 weeks and months, we have received some complaints similar
5 to what's being described today, and we have determined that
6 it was an apparent effort by the DCCC Democratic
7 organization to conduct investigation concerning this
8 absentee ballot fraud matter, and that they were mistakenly
9 contacting voters under the belief--nothing bad about this,
10 but they had misinterpreted the data describing absentee
11 voters or absentee one stop and confused that with absentee
12 by mail, and therefore were contacting voters and telling
13 them that they had requested an absentee ballot by mail when
14 they had in fact not, and it created a good deal of
15 confusion.

16 I made some calls on that, and the effort
17 apparently stopped, and we had an open case on it to
18 determine if it was some kind of interference or another
19 fraud attempt, and we have determined that it was not, and
20 we will be closing that case.

21 CHAIRMAN CORDLE: Had you voted absentee?

22 THE WITNESS: I voted election day.

23 CHAIRMAN CORDLE: You voted election day?

24 THE WITNESS: Yes.

25 MR. FLEMING: Yes, sir, all of the voters

1 that we looked into voted either on election day or one stop
2 early voting.

3 CHAIRMAN CORDLE: So as I understand, in fact,
4 there were no absentee ballot requests for these people that
5 were notified by an outside party.

6 MS. FLEMING: Yes, sir.

7 CHAIRMAN CORDLE: Thank you. Do you have
8 anything further to offer?

9 MR. HAGA: Well, without knowing who the
10 names are, I'm going to have to try to print off the other
11 two affidavits, and I would like to submit them for your
12 consideration as well in the event that they're not part
13 of--

14 CHAIRMAN CORDLE: Please go ahead, sir.

15 MS. FLEMING: I'm sorry, I didn't mean to
16 cut you off. I just wanted to say that if there are
17 additional names, Mr. Chair, that you would like us to look
18 into before we take any action on finalizing that case, the
19 Investigations Unit will be glad to take whatever
20 information you have and look into it and make sure that
21 there was no irregularity there.

22 CHAIRMAN CORDLE: Well, I think Mr. Haga is here
23 asking for a new election with respect to the judgeship--

24 MR. HAGA: Yes, sir.

25 CHAIRMAN CORDLE: --in Robeson County. So I

1 don't think you can take any steps that would do it. We'll
2 need to take votes today.

3 MS. FLEMING: Okay.

4 MR. HAGA: I will--sir?

5 CHAIRMAN CORDLE: Anything further?

6 MR. HAGA: I will be submitting those
7 once we get them printed off, but I would also like to
8 follow up with Mr. Worriax about the incident that he saw
9 on the night of the election at the Board of Elections in
10 Robeson County.

11 CHAIRMAN CORDLE: All right, sir.

12 DIRECT EXAMINATION BY MR. HAGA (resumes):

13 Q Could you tell us about the night of the election
14 in Robeson County?

15 A The night in question was the night that the
16 absentee ballots were to be opened and counted. We were in
17 the, I guess, the Board room of the Robeson County Board of
18 Elections. Our Chairman Steve Stone opened up, let us know
19 that they were beginning to count. That we could hang
20 around, go outside, give them time to get them counted.

21 I was talking to a friend of mine that was seated
22 beside me. His name is Spencer Locklear. And I noticed
23 probably about 15 minutes into them opening the ballots, I
24 saw Jack get up, and he went to Mr. Bobby--Robert Klewis
25 (phonetic spelling). Mr. Klewis and him spoke a few

1 minutes. He came back.

2 He got my attention to come to where he was which
3 was startling. He said, "The ballots are open already."
4 I said, "What do you mean?" He said, "Several of them,
5 they're pretending"--he said, "Just pay attention."

6 I went back to my seat. I didn't say anything to
7 anyone. There was a young man maybe six feet away from me.
8 And by working in a business office, I can tell when the
9 envelope is opened already by especially a letter opener
10 because I use one every day. He wouldn't even swipe the
11 envelope. Open it, take the ballot out, place it in the
12 stack, and it would be taken.

13 If I had to say, it was probably maybe 30, maybe
14 40 of these I witnesssed. I'm not sure how many there were
15 before I started paying attention, and there were two other
16 gentlemen there that actually did witness this. And I think
17 we did have affidavits sent in to the State Board.

18 CHAIRMAN CORDLE: Now, was there somebody there
19 using a letter opener to open the envelopes and passing them
20 to somebody who then took the ballot?

21 THE WITNESS: They would take the envelope,
22 open it up, and then they would remove the ballot, place it
23 in the stack, and then someone would eventually come get
24 them and take them to the machine. But there were several
25 that were already opened.

1 I did follow up in our recount with the chairman
2 of the Board of Elections in this matter. It didn't sit
3 well with me. And his answer to me really didn't sit well
4 with me. His answer--and I bluntly asked him, "We noticed
5 several things that have come into question that really
6 don't make sense to us. Can you maybe"--and he stopped me
7 mid-sentence.

8 He says, "I don't need to hear any of it," he
9 said, "because I already know. This has been going on in
10 this county. It's going to continue to go on in this
11 county. I've complained, executive boards, Board of
12 Elections for years, and it's never--nothing's never
13 happened. So why say anything now?"

14 As a voter in Robeson County, something should be
15 said.

16 DR. ANDERSON: And you're recalling or
17 speaking about a conversation you tried to have with the
18 director?

19 THE WITNESS: The chairman of the Board.

20 DR. ANDERSON: Chairman of the Board?

21 THE WITNESS: Uh-huh (affirmative).

22 DR. ANDERSON: Or the Director?

23 THE WITNESS: The Chairman of the Board of
24 Elections, Mr. Steve Stone.

25 DR. ANDERSON: You've received no

1 communication from Mr. Stone?

2 DIRECTOR STRACH: I'm not aware of that.

3 MR. BLACK: Question.

4 THE WITNESS: Yes, sir.

5 MR. BLACK: So you believe these ballots
6 were opened before they were received at the Board of
7 Elections, and they came in from the poll--

8 THE WITNESS: Somewhere between them being
9 sealed and making its way to the Board, they were opened
10 somewhere. It was very blatantly obvious.

11 DR. ANDERSON: But we're--just to be clear,
12 we're speaking about absentee by mail ballots--

13 THE WITNESS: These were absentee by mail
14 ballots.

15 DR. ANDERSON: --in the container return
16 envelope.

17 THE WITNESS: In the envelope container.
18 The envelope. They were sealed in boxes when they were
19 brought out, and then they were removed from the wooden
20 boxes, and they were placed in separate piles. There may
21 have been four or five piles of them.

22 MR. BLACK: Were there board members or
23 staff--were they the ones that were opening the absentees?

24 THE WITNESS: The staff was opening the
25 envelopes.

1 MR. BLACK: I mean, generally, you know,
2 when absentee by mail ballots are received, you know, the
3 staff will take those. They'll open them either in front
4 of the Board or in some cases they'll open them before the
5 Board gets a chance to look at them because in some cases
6 they will go ahead and vet some of those ballots to see if
7 they're--you know, if they're good or bad ballots, you know,
8 if they've been filled out properly.

9 THE WITNESS: We were aware of that, but we
10 were told by Mr. Stone, before the opening of those ballots
11 had began, that none of the ballots had not been opened, and
12 that they would begin the process at this time, and they
13 would be officially counted.

14 MR. BLACK: Okay, but you're saying that
15 they were opened.

16 THE WITNESS: There were several that were.
17 If I had to say exactly, there were something like 30, 40,
18 maybe 50. I'm not sure exactly before Mr. Moody (sic)
19 brought it to my attention.

20 MR. BLACK: Okay, I still don't quite
21 follow the process that you're talking about because
22 generally the absentees come into the Board of Elections and
23 are held there, and then at some point the board meets.

24 THE WITNESS: This was at the Board meeting
25 where they were actually opening these ballots.

1 MR. BLACK: Yeah, the Board meets. They
2 are opened.

3 THE WITNESS: Yes.

4 MR. BLACK: The list is--there's a list
5 that's read off. These are the absentee ballots.

6 THE WITNESS: Correct.

7 MR. BLACK: And then they're opened, and
8 then they're fed into the ballots machine.

9 THE WITNESS: Correct.

10 MR. BLACK: And that's what you observed?

11 THE WITNESS: Yes, on that particular night,
12 because we were--

13 MR. BLACK: And that was on election
14 evening.

15 THE WITNESS: Yeah. In other words, it was
16 that night that these ballots were being counted.

17 MR. RAYMOND: And you're saying there were
18 about 40 or 50 already opened?

19 THE WITNESS: Yes, from what I witnessed,
20 but I'm not sure exactly prior to that how many there were,
21 but there were three individuals that were opening the
22 ballots.

23 MR. BLACK: Were they staff members?

24 THE WITNESS: They were staff members, and
25 I did follow up with the chairman about it, and he did

1 acknowledge that I probably did witness what I witnessed.

2 DR. ANDERSON: I don't believe there's
3 anything improper with the Board members being assisted with
4 Board of Elections staff in using a letter opener to open
5 the ballots.

6 The Board members should be the only ones who take
7 it out, who first determine whether or not it's got the
8 witness signatures, the voters' signatures, that it was
9 received on time, and there are sufficient checks and
10 balances for the accounting for all the ones that--usually
11 the director enters them, and they're collected across the
12 course of a week.

13 I'm assuming you're talking about one of the
14 weekly meetings that occurred leading up to election day.
15 That's typically the way this is done.

16 THE WITNESS: No. Here's the way it was
17 done with us. This was on a Thursday night after the
18 election. Each candidate was called and said, "We're going
19 to count the absentee ballots at this certain night." And
20 everyone met, and the public was welcome to attend.

21 And the ballots were brought in in locked boxes
22 and Mr. Stone told us, "These ballots all have remained
23 sealed. We will not unseal the ballots. The ballots will
24 be then counted, and we will give you the results."

25 We were told it was going to take maybe an hour,

1 hour and 45 minutes for this process to take place. These
2 ballots that we were told were sealed were in locked boxes
3 that were brought from out of the ballot room into the
4 meeting room, unlocked, and the ballots were placed on a
5 table.

6 And then the Board workers began opening them with
7 letter openers, but those sealed ballots that were in that
8 box that we were told that had remained sealed, several of
9 those ballots were unsealed when they were taken out of the
10 box; meaning they had already been opened.

11 MR. BLACK: This was the Thursday after
12 the Tuesday general election?

13 THE WITNESS: Yes. And then the following
14 week we did the provisional ballots that next Friday, and
15 then they canvassed them Thursday, then Friday they
16 canvassed the election.

17 MR. BLACK: I mean it seems unusual to me
18 that they would be counting absentee by mail ballots two
19 days after the election because generally those are included
20 in the election results and then the provisionals are later.

21 DR. ANDERSON: But they are able to come in,
22 and they can be postmarked on election day and come in
23 within, what is it, Kim, three days?

24 DIRECTOR STRACH: That's right. It could be a
25 supplemental absentee meeting.

1 DR. ANDERSON: Right. Right.

2 CHAIRMAN CORDLE: All right, sir. Do you have
3 any further evidence to offer?

4 MR. HAGA: No, sir. I think at this
5 point Mr. Worriax is done.

6 CHAIRMAN CORDLE: All right. Thank you.

7 MR. HAGA: I do wish to submit these
8 other two exhibits.

9 DR. ANDERSON: Could I ask a question?

10 MR. CARMON: Before could I ask one? Do
11 you have an affidavit from the Board chairman that he's
12 speaking of?

13 MR. HAGA: I do not. I just learned of
14 this in the last couple of days. So I have not had a chance
15 to run that down.

16 MR. WORRIAX: So we were under the
17 assumption from him that he had been subpoenaed by the
18 Board.

19 MR. HAGA: Correct. That was part of the
20 issue is we had to subpoena him to actually testify.

21 CHAIRMAN CORDLE: We need to move on, so--

22 MR. HAGA: We understand.

23 CHAIRMAN CORDLE: --offer your affidavits.

24 MR. HAGA: Yes, sir.

25 CHAIRMAN CORDLE: Thank you.

1 DR. ANDERSON: No questions.

2 CHAIRMAN CORDLE: Do you have a question for
3 him, Ms. Fairess?

4 MS. FAIRESS: I was going to ask, are you
5 aware that the Robeson Board certified the election results?

6 THE WITNESS: I am. I was part of it.

7 MS. FAIRESS: Are you the same--you
8 testified that there was some differences in spelling of
9 names. Are you the same Harold Worriax who was listed on
10 Mr. Moody's campaign finance report as receiving a donation
11 of \$650?

12 THE WITNESS: I was.

13 CHAIRMAN CORDLE: Any further evidence in this
14 matter?

15 (No response)

16 CHAIRMAN CORDLE: You may step down sir.

17 THE WITNESS: Thank you.

18 CHAIRMAN CORDLE: Thank you.

19 (Witness exits the stand.)

20 CHAIRMAN CORDLE: So any further evidence from
21 anybody before we close the hearing?

22 MS. FAIRESS: Will we be able to make a
23 statement?

24 CHAIRMAN CORDLE: Yes, ma'am.

25 MS. FAIRESS: Is that time now?

1 CHAIRMAN CORDLE: Sir, do you have--

2 MR. MUNN: Yes, sir, I have a couple of
3 things.

4 CHAIRMAN CORDLE: And who are you?

5 MR. MUNN: My name is Horace Munn.

6 CHAIRMAN CORDLE: Mr. Munn, we're not going to
7 accommodate you today. We've got a lot going on we're
8 trying to--

9 MR. ____: I think he just has an offer
10 for a document, and that's all he has.

11 CHAIRMAN CORDLE: What kind of document do you
12 have, Mr. Munn?

13 MR. MUNN: Sir, my attorney
14 (unintelligible) submitted a document. I'm going to ask if
15 that document be submitted in the official record.

16 CHAIRMAN CORDLE: Thank you, sir. We'll
17 consider that.

18 If there's no further evidence, the evidentiary
19 portion of our hearing is closed. We're now open for any
20 closing arguments. They're going to be very, very short if
21 there are any. Anything from the staff?

22 DIRECTOR STRACH: No, sir.

23 CHAIRMAN CORDLE: Anything from Mr. Elias?

24 MR. ELIAS: Simply that we believe that
25 the overwhelming weight of the evidence supports a new

1 election based on North Carolina statute. We've submitted
2 expert reports that aren't contested that demonstrate the
3 extreme unlikeliness of the results not being the product
4 of extreme irregularity, and we believe that the only fair
5 result is to declare a new election.

6 CHAIRMAN CORDLE: I take it you're joining Mr.
7 Harris--or Dr. Harris's motion.

8 MR. ELIAS: If that was a motion, we
9 definitely join in. Otherwise, we make the motion.

10 CHAIRMAN CORDLE: Thank you.

11 MR. FREEDMAN: We do not resist that. First
12 of all, on behalf of Dr. Harris, we appreciate your patience
13 and professionalism at this hearing, and this has been a
14 very trying experience for Dr. Harris.

15 We agree that the actions of--the actions that
16 occurred in Bladen County cast a huge pall and taint over
17 the election that would likely affect the election, but I
18 do not believe evidence here today showed that Mr.--Dr.
19 Harris was aware of McCrae Dowless's activities; in fact,
20 that was pretty much universally stated even by his son and
21 Lisa Britt, that he, much like the people of Bladen County,
22 was taken in by this (indiscernible word), and I hope you
23 take that into consideration.

24 CHAIRMAN CORDLE: I think Dr. Harris's comments
25 follow along with what his son John had said about trying

1 to get rid of some of our partisanship and look at the facts
2 and try to treat people fairly, and the voters of North
3 Carolina.

4 MR. FREEDMAN: And considering Dr. Harris's
5 character, you can see the son that he raised.

6 CHAIRMAN CORDLE: Yes.

7 MR. FREEDMAN: Those people--individuals like
8 that don't come along by accident.

9 CHAIRMAN CORDLE: That's right. Ms. Fairess,
10 you had a--

11 MS. FAIRESS: Yes.

12 CHAIRMAN CORDLE: Mr. Scott, I assume you have
13 no--

14 MR. SCOTT: No, I have on objection. I
15 also want to thank the very capable staff of the Board.
16 Guys, you did a great job.

17 CHAIRMAN CORDLE: I think our staff has done an
18 excellent job.

19 MR. SCOTT: I appreciate the Board's work,
20 and I look forward to a very, very vigorous re-election.

21 CHAIRMAN CORDLE: Thank you, sir.

22 Ms. Fairess.

23 MS. FAIRESS: Yes. I ask that the Board not
24 call for a new election in the Burton - Moody judicial race.
25 To the extent there were any irregularities or

1 improprieties, they did not affect her victory. She won in
2 spite of them and not because of them. She was the
3 Democratic candidate, not the Republican. There was
4 testimony that the Republicans at the top benefitted all the
5 way down the ballot.

6 There's very little evidence of the fraudulent
7 activity in Robeson to the same extent as in Bladen, and we
8 believe that it would be a huge injustice to call for a new
9 election in her race and let those who've benefitted from
10 irregularities have a second chance.

11 And so we would also ask that you consider the
12 authority to call for a new election in spite of the
13 governor's commission.

14 CHAIRMAN CORDLE: Thank you.

15 MR. HAGA: And as the counsel for Mr.
16 Moody, I would say we do make a motion to call for a new
17 election. We think there are enough irregularities here
18 that even if they don't rise to the level of casting a pall
19 over the Congressional race, that because of the smallness
20 of this race, how small the voter pool actually is, that the
21 density of that pall actually impacts these smaller races
22 more.

23 These smaller races are the breeding grounds, the
24 training grounds for folks to step up to higher races. If
25 we can't contain it at the lower level, it's going to

1 exacerbate later on when they run for higher offices.

2 There are irregularities such as under (a)(2).

3 There are sufficient number of voters based on the doctor's
4 work showing the outliers in numbers that were higher than
5 average. When you've only got a 67 point spread in a 30,000
6 vote race and the doctor can show by statistical analysis
7 how extreme everything was, I think that falls well within
8 the realm of requiring a new race.

9 And if not, then again we go to the taint or the
10 fairness issue, the fairness to the voters. And under
11 (a)(4), we have to look at that fairness to the voters to
12 see if there was sufficient taint.

13 And again, at that lower level, that concentrated
14 pool is exacerbated. The higher levels, you've got more
15 media scrutiny and that allows more light to shine on their
16 races. And these smaller races in the middle of nowhere
17 don't get the same scrutiny, so they require the scrutiny
18 of the Board in order to be able to preserve that.

19 CHAIRMAN CORDLE: Thank you, Mr. Haga.

20 MR. HAGA: Yes, sir.

21 CHAIRMAN CORDLE: The Board will start its
22 deliberation at this time. I do have a question for staff,
23 legal, before we start, and that is the commission:
24 Apparently if the governor has issued one, do we have a
25 standing effect?

1 MR. LAWSON: So with regard to the
2 commission, we talked with the Attorney General's office.
3 We are also not yet conclusive as to whether this would sub
4 in for a certification that would have been issued by the
5 Board of Elections, and we don't believe that it would at
6 this time.

7 However, the Attorney General's informal advice
8 was to defer that issue if it was going to be the issue upon
9 which you would decide that contest.

10 CHAIRMAN CORDLE: Well, I believe it probably
11 would be. So shall we defer that issue? The judicial race
12 in Robeson County is then deferred.

13 MR. LAWSON Right.

14 CHAIRMAN CORDLE: Till--and we will notify you
15 at another meeting. We will not plan to take further
16 evidence at that time, but we'll try to get some clearer
17 understanding of what the law is.

18 MR. LAWSON: For purposes of the record
19 keeping, could it be that folks say aye to a deferral
20 motion?

21 CHAIRMAN CORDLE: Thank you.

22 MR. CARMON: I move to defer--I make a
23 motion to defer until we have further clarification.

24 MR. BLACK: I'll second.

25 CHAIRMAN CORDLE: All those in favor say aye.

1 (Unanimous vote in favor)

2 CHAIRMAN CORDLE: It's a unanimous vote.

3 MR. HAGA: Thank you.

4 DR. ANDERSON: A somewhat related issue, I
5 was working under the assumption that we would need to
6 consider separately each of the contests and make a decision
7 about a new election or a certification for each of the
8 contests that, you know, where certification was withheld.

9 And I was working under the assumption that we
10 have the ability to determine contest by contest based on
11 the unique circumstances of that, even though--the unique
12 circumstances of each, even though they all came about
13 through the, quote, same election.

14 MR. LAWSON: If that's a question, then
15 yes. You are always able to craft a motion that would deal
16 only with one, two, or all of the remaining contests. Just
17 for clarification, the remaining are Soil and Water
18 Conservation in Bladen and a County Commission seat in
19 Bladen and Congressional District 9.

20 DR. ANDERSON: And setting aside the Robeson
21 Burton--

22 MR. LAWSON: Based on the prior motion.

23 DR. ANDERSON: Okay.

24 CHAIRMAN CORDLE: Go ahead.

25 MR. RAYMOND: Okay. I just would like to

1 make a statement I feel it's necessary to say. I just want
2 to say that the election in CD-9 was severely tainted, but
3 I want to say that the taint didn't come from the side of
4 the Harris campaign alone. We've heard testimony and seen
5 evidence about the activities of the Bladen County
6 Improvement Association and how they added to the chaos
7 created during the 2018 elections.

8 The North Carolina voters deserve much better than
9 this. North Carolina voters should have confidence that
10 their elections are fair and their ballots are secure. And
11 I just want to say to North Carolina voters that Board of
12 Elections will work and continue to work until the
13 activities of individuals such as McCrae Dowless and
14 organizations such as the Bladen County Improvement
15 Association no longer create any confusion and chaos in our
16 elections.

17 CHAIRMAN CORDLE: Thank you, sir.

18 Is there any other discussion or motion at this
19 time?

20 MR. CARMON: I feel compelled to say, as
21 it relates to the Bladen Community (sic) Improvement
22 Association, I can't throw the entire organization under the
23 bus. I can say that there was evidence offered that members
24 of that organization may have done some inappropriate--or
25 took some inappropriate actions, but I don't feel

1 comfortable signing off on throwing the entire organization
2 under the bus.

3 So I understand and appreciate, but I just felt
4 that there needed to be a statement for the other portion
5 of that.

6 CHAIRMAN CORDLE: All right. Thank you. Is
7 there a motion to--well, I'll tell you: I'll make a motion
8 that we call for a new election in the Congressional
9 District Number 9 based on the evidence we've heard today,
10 or this week, of the corruption, the absolute mess with the
11 absentee ballots, the illegal activities that have occurred
12 there in the election office itself and with the people
13 involved in the absentee ballots.

14 I believe the number probably is sufficient in and
15 of itself to call for a new election, but it certainly was
16 a tainted election. And under GS 163-182.13(a)(4) it
17 appears to me the irregularities and improprieties occurred
18 to such an extent that they taint the results of the entire
19 election and cast doubt on its fairness.

20 And I believe the people in North Carolina deserve
21 a fair election, deserve their votes counted properly, and
22 that they be confident that the Boards of Election are
23 acting to do their duties.

24 DR. ANDERSON: I'll second that.

25 Do we need--can we amend it to include the

1 remaining contests or do you want a separate motion for the
2 remaining contests?

3 CHAIRMAN CORDLE: I thought you did.

4 DR. ANDERSON: It wasn't in a motion form.

5 CHAIRMAN CORDLE: No, but I thought you wanted
6 that.

7 DR. ANDERSON: So you--I just asking because
8 your motion specified CD-9, so.

9 CHAIRMAN CORDLE: Well, I would include it--go
10 ahead and include the Bladen County Commissioner District
11 3 and the Bladen Soil and Water Conservation District
12 Supervisor.

13 DR. ANDERSON: Yes.

14 MS. FAIRESS: So Robeson is separate?

15 CHAIRMAN CORDLE: Yes, ma'am. We have deferred
16 the Robeson vote till we can get the legal authority on the
17 commission that you brought up for us.

18 Was there a second?

19 DR. ANDERSON: Second.

20 CHAIRMAN CORDLE: Any discussion? Are we ready
21 for a vote?

22 MR. BLACK: I'd like to make one
23 statement.

24 CHAIRMAN CORDLE: Certainly.

25 MR. BLACK: Very brief. Before the vote

1 I would just like to make the statement that I hope that the
2 investigation that our staff has done and is currently
3 undergoing will serve as a lesson to those people across the
4 state of North Carolina that we intend as a Board to do our
5 best to make sure that elections are run properly, fairly.

6 I want to commend the staff for the hard work
7 they've done. They've spend hours and hours and still have
8 more hours and hours to go. But they've done an exemplary
9 job, and as we've stated before, this did not help the
10 reputation of North Carolina, but we've turned the corner
11 now. Thank you.

12 CHAIRMAN CORDLE: Thank you, sir.

13 MR. BLACK: Thank you.

14 DR. ANDERSON: Mr. Chair, I would like to
15 suggest that this Board consider going forward in our
16 options as it relates to the operations of Bladen County
17 Board of Elections, submit the appointment of the members
18 of that board and oversight of that office, and if it's the
19 will of the Board to at least consider potential options as
20 it relates to addressing some issues that appear to be
21 possible also as it relates to the operations in the Robeson
22 County Board of Elections office.

23 CHAIRMAN CORDLE: Thank you. I don't think
24 that's part of my motion, but I think it's well taken. We
25 will want to do that.

1 DR. ANDERSON: That's correct; it's not in
2 a motion. It's a suggestion. That the Board needs to take
3 a serious look at how these county board offices and county
4 board members are--

5 CHAIRMAN CORDLE: I would like to call--

6 DR. ANDERSON: --their actions and the
7 appropriateness of their actions.

8 CHAIRMAN CORDLE: We'd call for the vote. All
9 those in favor of the new election in the three elections
10 we have with us, the District 9, Bladen County Commissioner
11 District 3, and the Bladen Soil and Water Conservation
12 District Supervisor say aye.

13 (Unanimous vote in favor)

14 CHAIRMAN CORDLE: I believe it's a unanimous
15 vote. Is there any further action needed on the Board,
16 counsel?

17 MR. LAWSON: Sir, because of the flurry of
18 last bits of evidence, it may be advisable to suggest to the
19 counsel that wish to submit post findings to do so my
20 Wednesday of next week.

21 We, of course, will follow the normal process of
22 counsel drafting our findings of fact, conclusions of law
23 and circulating them with the Board ultimately for the
24 signature by the Chair, but with the input of the Board's
25 counsel which we relay--

1 CHAIRMAN CORDLE: If we could have any findings
2 of fact by next week, Wednesday?

3 MR. ELIAS: That's completely acceptable,
4 and if I can just offer my thanks not only to the staff but
5 also the building's staff for finding us a home for the
6 additional time we needed and to the members of the Board
7 for your patience with all of the witnesses and all of the
8 argumentation from counsel, so thank you.

9 CHAIRMAN CORDLE: Well, I think the State Bar
10 and its building staff should be congratulated, and we thank
11 them very much for the courtesy they've shown us, the
12 hospitality, and I think the press has never been better
13 treated in a building or had a better building before for
14 such a meeting because this is the best meeting room we've
15 ever had also. So if there's no further--

16 MR. LAWSON: If I may, Chair, it is under
17 statute the obligation of the Board to set the schedule for
18 the new election. With your permission, we will compile the
19 appropriate dates under the current statute and will submit
20 those to you, and you'll have to meet and vote at a later
21 time.

22 CHAIRMAN CORDLE: All right, and it seems that
23 there will be another election in the eastern portion of our
24 state with--

25 MR. LAWSON: Right. We've informed the

1 governor's office of similar dates in the event that they
2 had to coincide. They're separate and distinct things, and
3 that one is called by the governor. This one is called by
4 you.

5 CHAIRMAN CORDLE: All right. Thank you, sir.
6 No further?

7 (No response)

8 CHAIRMAN CORDLE: I call this meeting adjourned.
9 Thank you.

10 MR. ELIAS: Thank you.

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14 (Whereupon, the proceedings
15 concluded at 4:01 p.m.)

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1 STATE OF NORTH CAROLINA
2 COUNTY OF ALAMANCE

3

4 C E R T I F I C A T E

5

6 I, G. Lynn Bodenheimer, Certified Verbatim
7 Reporter and Notary Public, do hereby certify that I was
8 present and served as court reporter for the foregoing
9 proceeding held at the North Carolina State Board of
10 Elections & Ethics Enforcement in Raleigh, North Carolina,
11 on February 21, 2019; that said proceeding was reported by
12 me and transcribed by me personally; and that the foregoing
13 pages 800 through 997 constitute a true and accurate
14 transcription of the proceeding.

15 I do further certify that I am not of counsel for
16 or in the employment of either of the parties to this
17 action, nor am I interested in the results of this action.

18 In witness whereof, I have hereunto subscribed my
19 name this 3rd day of April, 2019.

20

21

G. Lynn Bodenheimer

22

23

G. LYNN BODENHEIMER
Certified Verbatim Reporter/
Notary Public No. 19942140002

24

25

My Commission Expires:

August 3, 2019